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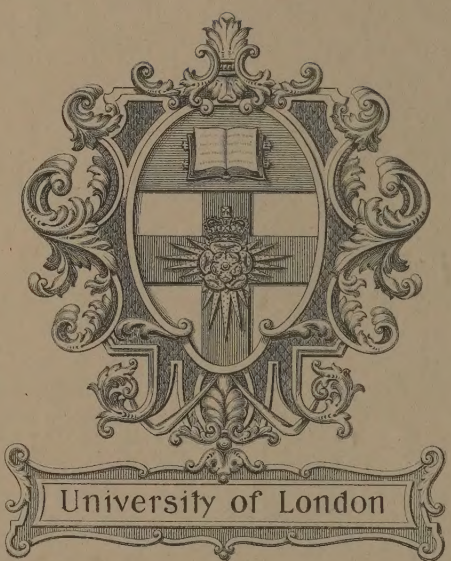

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ACCOUNTS AND PAPERS:

THIRTY-SIX VOLUMES.

—*(8.)*—

COLONIES.

NEW ZEALAND.

Session

5 February —— 6 *August* 1861.

VOL. XLI.

1861.

ACCOUNTS AND PAPERS:

1861.

THIRTY-SIX VOLUMES:—CONTENTS OF THE

EIGHTH VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Paper; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

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[2889.] Papers relating to the recent Disturbance in *New Zealand* (in continuation of Papers, March 1861). (*Not delivered*).

PAPERS

RELATING TO

THE RECENT DISTURBANCES IN NEW ZEALAND.

Presented to both Houses of Parliament by Command of Her Majesty.
March 1861.

LONDON:
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FOR HER MAJESTY'S STATIONERY OFFICE.

1341. 1861.

2798

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PAPERS

RELATING TO

THE RECENT DISTURBANCES IN NEW ZEALAND.

Despatches from the Governor.

No. 1.

COPY of a DESPATCH from Governor T. GORE BROWNE, C.B., to the Right Honourable Sir E. BULWER LYTTON, Bart., M.P. NEW ZEALAND.

(No. 29.)

Government House, Auckland, New Zealand,
March 29, 1859.

(Received June 11, 1859.)

(Answered, No. 8, Aug. 20, 1859, page 259.)

SIR,

I HAVE the honour to report, for your information, that I have recently visited the province of Taranaki.

I found the settlers dissatisfied with the Government, and ill pleased with the Maoris, who, though they possess large tracts of land which they cannot occupy, refuse to sell any portion of it.

The settlers complain that they have not sufficient pasturage for their flocks, and that immigrants and capitalists are driven to seek, in other provinces, the accommodation which Taranaki cannot, under present circumstances, afford.

2. I received two separate deputations commissioned by the settlers to state their grievances, and discussed the subject fully with them.

I informed them of what had been done by the Government, and of what is now in progress, assuring them of my earnest desire to meet their views when I could extinguish the native title to land satisfactorily, and without compromising the neutrality which I had determined to observe in all native quarrels.

I will not trouble you with details of these interviews; but the accompanying address, which was signed by the Superintendent, and nearly the whole of the respectable inhabitants, shows that I was fortunate in being able to afford satisfaction. No. 1. Address of Letters. Taranaki, March 15, 1859.

3. I had also an interview with the chief, William King, and a large part of his tribe, who came to see me.

I took advantage of the opportunity to declare that, "For the future I had determined "that every man, whether he may be Maori or Pakeha, who may commit any violence "or outrage within the European boundaries shall be arrested and taken before the "Judge, and the sentence of the Judge, whatever it may be, shall be carried into "effect: that I was determined the peace of the settlers should no longer be disturbed "by evil doers, and that those Maoris who are not content to live in peace among the "Pakehas, had better go elsewhere." No. 2. The Governor's Address to Natives, Taranaki, March 8, 1859.

This declaration was received with satisfaction by both races who dwell within the English boundary, and will, I trust, have a beneficial effect. William King and his men, who live outside the boundary, remained silent.

4. After this a chief, named Teira, offered some land for sale, which he and his relatives desired to dispose of to the Government, and which, as being situated at the mouth of the Waitara river, on the south bank, will be a valuable acquisition to the province. He pressed for an immediate answer, and I replied that if he could give a satisfactory title I would accept his offer. Another chief rose to object, but when asked if he had any claim to the land, admitted that he had not. William King then rose, and, while asserting no claim to it, said he would never permit that land to be sold; then, waving his hand to his people, he and they left the meeting with some want of courtesy to myself.

NEW ZEALAND.

5. Since then progress has been made in ascertaining Teiri's right to dispose of the land (of which there seems to be little doubt), and, if proved, the purchase will be completed. Should this be the case it will probably lead to the acquisition of all the land south of the Waitara river, which is essentially necessary for the consolidation of the province, as well as for the use of the settlers.

It is also most important to vindicate our right to purchase from those who have both the right and the desire to sell.

No. 3. Instructions to Civil Officers, Taranaki, March 23, 1859.

No. 4. Instructions to Major Murray, commanding at Taranaki, March 21, 1859.

6. The right to sell land belonging to themselves without interference on the part of other chiefs (not having a claim to share in it) is fully admitted by Maori custom; any recognition of such a power as that assumed by William King would therefore be unjust to both races, because it would be the means of keeping millions of acres waste and out of cultivation. I have, however, little fear that William King will venture to resort to violence to maintain his assumed right; but I have made every preparation to enforce obedience should he presume to do so. Copies of the instructions I have given to both the civil and military authorities are herewith enclosed.

7. I found the settlers extremely anxious that favour should be shown to Ihaiah, the chief with whom William King is at feud, and who has always been a firm friend to the English. His quarrel with King is chiefly because the latter has some claim on the land which he desires to sell, and which King will neither yield nor sell.

I have, however, declared my firm determination to remain entirely neutral in this and all other Native feuds, and to purchase no land without the consent of all who have a claim on it.

I granted an amnesty to Ihaiah because the murder of which he was cognizant was a retributive one, and quite in accordance with the Maori law of right, but I positively declined to interfere any further in his favour. Ihaiah then wrote to me requesting that I would take him and his people under my protection, and declaring that he and they would submit to English law; I replied that he would find the same protection which is invariably afforded to all who seek it, without distinction of race or tribe, if he chose to come into the settlement and under the British flag; but that I should not send an escort to bring him in, as my so doing would make it appear that I was a partizan of his.

8. On the whole I venture to say that my visit to Taranaki has been useful; it has enabled me to satisfy the settlers that their interests have not been neglected: the Natives have had an opportunity of discussing various matters; and if the land now under negotiation can be obtained legitimately, and without breach of Maori ideas of right, I have little doubt that other tracts of land of considerable extent will be offered for sale, and I shall thus be able to satisfy the demands of all moderate men among the settlers.

I have, &c.

The Right Hon. Sir E. B. Lytton, Bart. (Signed) T. GORE BROWNE.
&c. &c. &c.

Enclosure 1 in No. 1.

Encl. 1 in No. 1.

ADDRESS of the SETTLERS of TARANAKI to the GOVERNOR.
March 15, 1859.

OIL has been poured on the troubled waters of the land purchase question; and the most sceptical now acknowledge that the General Government has not been so unmindful of the interests of the province in this particular as was generally supposed.

In our last issue we furnished our readers with two interesting papers conveying much important information on the question: one, a communication from Mr. T. King, of the result of a conversation with his Excellency; the other, the Governor's address to the natives, with the details of the subsequent conference; the latter forming a pertinent illustration to the former, and conveying a true idea of the extent of the difficulties which supervene in any negotiations for land in this province.

We mentioned in our last that a meeting had been convened by the superintendent at the request of an influential body of the inhabitants, to consider "the best means of obtaining a further supply of "land;" and we borrow in another place from last week's *Herald*, an account of the proceedings; which, it will be seen, resulted in the appointment of a deputation to wait upon his Excellency, to represent certain difficulties of the province asserted in the resolutions passed. At an adjourned meeting, held on Saturday, this deputation laid before the meeting the result of their conference; the satisfactory tenor of which will be gathered from the following address to his Excellency, voted unanimously by as large a meeting of settlers as, perhaps, ever assembled at Taranaki. And a vote of thanks was also passed to the deputation that had been instrumental in bringing about these propitious results.

To his Excellency Colonel Thomas Gore Browne, C.B., Governor of New Zealand.

"May it please your Excellency,

"The undersigned settlers of the province of Taranaki are desirous that your Excellency should not take your departure from New Plymouth without an expression of their satisfaction to have had the advantage of a personal visit from your Excellency.

"They are of opinion that such a visit must have tended to bring before you more vividly than could be done by the best official documents the actual position of the settlement, and the real amount and character of their difficulties and discouragements.

"They beg respectfully to thank your Excellency for your prompt assent to their request for the early return to Taranaki of Mr. Commissioner McLean; for your expressed anxiety to promote the further acquisition of land from the natives, and for the efforts now being made to that end; and they will rely with confidence on your Excellency's assurance that no pains shall be wanting to attain an object so vitally important to them.

"They trust that the sustained endeavours of the Native Land Purchase Department may lead to the desired results, and to the benefit alike of the European and Maori races; that Taranaki may cease to be a source of trouble and anxiety to the Government, and that she may be rendered a contented and prosperous province under your Excellency's administration.

"They beg to express their sincere hopes for your Excellency's speedy restoration to health."

The frank elucidation by his Excellency of the policy of the Government appears to have dissipated all doubt as to the intention and anxiety to assist this province in what seems to be a dilemma purely local. And, concurrently, we are enlightened as to the difficulties which have hitherto prevented the beneficial operation of the exertions of the officers entrusted with the management of this department of the General Government in our province. No one, we believe, doubts what the operation of time must be on the question; and, come the results sooner or later, they cannot fail being assisted by the firm reliance of the community upon the earnest intentions of the Government, as removing sources of irritation and interference which have hitherto beset the business.

All then, for the present, appears in sunshine. Still, it would not be wise to expect much from the aspect affairs now present; and especially so to look for any immediate extensive results. There is literally no change in the policy of the Government indicated; on the contrary, we are told that such is impossible; that the policy which governs the whole question is not a colonial policy, but emphatically a direction from the Home Government, which the Colonial Government while Her Majesty's power remains unassailed, cannot alter or interfere with.

The present visit of his Excellency to this province, and the next to universal representations made of its destitute and retrograding position, have, however, enabled him to come to a more perfect realization of its situation; and a corresponding exertion of the energies at the command of Government is promised, with a view to ameliorate our condition, and will, without question, to some extent accomplish the object now, and lay the foundations of future beneficial operations. In the mean time, the patient resolution which has supported us through the past will find new strength and sustainment from the conviction that we are not abandoned in the struggle, and that the Government of the Colony is bending an earnest mind for our relief.

Encl. 2 in No. 1.

Encl. 2 in No. 1.

The GOVERNOR'S ADDRESS to NATIVES.

8th March 1859.

On the 8th instant, the Governor held a native meeting near the Land Purchase Office.

His Excellency, on arrival, was received and welcomed by about 150 natives, using the words,—"Welcome stranger," &c.

After a short speech from Tahana, Native Assessor, in reference to the late feuds, his Excellency addressed the natives, through the native secretary to the following effect:—

The Governor wished them to understand that the Queen regards equally all her subjects; that all her Governors have had, and would have the same instructions, viz.:—to do their utmost to promote the welfare of her subjects without distinction of race. The Governor proceeded to say, that the missionaries imparted to the Maories the blessings of Christianity, and translated the Bible for their use. It was not in the power of man to confer any other gift which would bear comparison with that of the Bible; but, out of regard for the natives, his Excellency has caused an abstract of English law to be translated into Maori. He had no wish to enforce this law; on the contrary, it would only be put in force in those districts where the people are wise enough to desire it, and prepared to carry it into effect themselves. Some tribes in the North had already desired to have English law; and a magistrate had been appointed to instruct them how to put it into practice. They were now engaged in doing so, with every prospect of becoming a peaceful and prosperous people, and uniting themselves with the Pakeha. This tribe is the Ngapuhi. The Governor then said, he had but two subjects on which he desired to speak, particularly to the tribes living near Taranaki, and they were,—First, in reference to criminal offences; second, in reference to land. He wished these subjects to be considered separately, and as having no sort of reference to each other. He observed that the tribes in the vicinity of Taranaki have greater advantages than most others, as they are much intermixed with the Pakeha, and ought to profit by their intercourse with them. If they chose to live peaceably and cultivate their lands they would grow rich and multiply, instead of which they were constantly at war with each other, and their numbers were decreasing. Their disputes were almost always about matters of little or no importance, or

NEW ZEALAND.

about land which was not worth quarrelling for. The Governor then said that had he been in New Zealand when Katatore slew Rawiri, he would have had him arrested and brought before the Judge, and, if the Judge had sentenced him to be hanged, he would have caused him to be hanged; that he had not thought proper to arrest Ihaiah, because though the murders to which he was a party were horrible and disgraceful, yet they admitted of some extenuation, inasmuch as they were committed in retribution for the murder of Rawiri. All this, however, now belongs to the past; but, for the future, he had determined that every man (whether he be Maori or Pakeha) who may commit any violence or outrage within the European boundaries shall be arrested and taken before the Judge, and the sentence of the Judge, whatever it may be, shall be carried into effect. He was determined that the peace of the settlers should no longer be disturbed by evil doers, and that those Maories who are not content to live in peace among the Pakehas had better go elsewhere. In reference to the second subject, the Governor said he thought the Maories would be wise to sell the land they cannot use themselves, as it would make what they could use more valuable than the whole; but that he never would consent to buy land without an undisputed title. He would not permit anyone to interfere in the sale of land unless he owned part of it; and, on the other hand, he would buy no man's land without his consent.

Encl. 3 in No. 1.

Enclosure 3 in No. 1.

CIRCULAR TO OFFICERS OF THE NATIVE DEPARTMENT AT TARANAKI.

New Plymouth, March 23, 1859.

THE Governor wishes to impress upon the officers connected with the native service that he desires to maintain a strict neutrality.

If criminal offences are committed within the English boundary the law must take its course without distinction in favour of race.

Any one claiming the protection of the British flag must be permitted to avail himself of it, and be guarded from all danger while under it, but no aid should be given to enable natives to elude or overawe their opponents in order that they may reach the settlement.

It must be clearly understood that no force must ever be used against the natives or any party of them, unless in order to punish some direct and distinct outrage on their part.

Individuals should not be allowed to pass through or out of the town armed as if for offence.

Armed bodies would be prevented from so doing by the officer commanding the troops.

By his Excellency's command,
(Signed) T. G. STEWARD, Private Secretary.

Encl. 4 in No. 1.

Enclosure 4 in No. 1.

SIR, New Plymouth, March 21, 1859.

I HAVE the honour, by direction of the Governor, to request your attention to his memorandum dated 13th February 1858, herewith returned.

In the event of any unforeseen and unexpected disturbances in this province, it is his Excellency's wish that you will act on the spirit of this memorandum, varying your arrangements according to circumstances.

The force at Wellington having been reduced, you will have to depend on head quarters for any reinforcement you may require.

The Governor thinks it advisable you should prepare a memorandum of what assistance you would be likely to require in the event of any disturbance. This should be at once submitted to the officer commanding the forces, with an intimation that there is no immediate probability of any outbreak, but that should such an event take place, you would require the reinforcements therein named.

The strictest secrecy should be maintained in reference to any military operations contemplated in this province.

I have, &c.
(Signed) T. G. STEWARD, Private Secretary.

Lieut.-Colonel Murray,
Commanding Troops,
New Plymouth.

No. 2.

No. 2.

COPY of a DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 10.) Government House, Auckland, New Zealand, January 25, 1860.

MY LORD DUKE, (Received April 13, 1860.)

* Page 1.

IN my Despatch, No. 29*, of the 29th March 1859, I informed Sir Bulwer Lytton that I had accepted the offer of a chief named Teira to sell to the Government a portion of land at Taranaki, provided he could prove an indisputable title to it, and that I would

not permit any chief to interfere with that engagement unless he could show some claim to the land in question; a decision which your Grace has been pleased to approve.

The title of Teira and the other proprietors having since then been proved and extinguished, and a large instalment of the purchase money having been paid, I have directed the land to be surveyed in the usual manner.

Rumours have reached me that the survey will be interrupted by the chief William King (who has evidently been advised by some disaffected persons), and that difficulties may ensue. I do not put much faith in these rumours, or anticipate resistance, when the natives see that, though always ready to consider every reasonable objection, I am not the less determined to enforce Her Majesty's right to deal with her own subjects without hindrance from any one not having a legitimate interest in the transaction.

I have, however, taken every precaution, and made preparations for any contingency which may arise. I have the honour to enclose a copy of the instructions sent to the Assistant Native Land Purchase Commissioner, together with the copy of a letter I have written to Colonel Gold, the officer commanding the troops in New Zealand, and one from the Secretary's office, addressed to the officer commanding at Taranaki.

I trouble your Grace with the present despatch only as a matter of information, and trust it may not be necessary to refer to it again.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Enclosure 1 in No. 2.

Encl.1 in No. 2.

Office of Minister of Native Affairs, Auckland, January 25. 1860.

SIR,

I HAVE the honour, by direction of his Excellency the Governor, to inform you that his Excellency, with the advice of the Executive Council, has determined that the survey of Te Teira's land at Waitara shall be proceeded without further delay.

The survey is to be commenced in the first instance without any display of force, by a surveyor, attended only by an ordinary survey party, all being unarmed, you yourself being present on the ground, or not, as you may deem expedient.

You are to take care that the intended commencement of the survey is publicly known, and in particular that Wiremu Kingi and his party are made fully aware of it, and of the firm determination of his Excellency to complete the purchase. You will, however, avoid any official or formal announcement which might wear the aspect of an irritating challenge to the opposing party.

Should resistance be made to the survey, the survey party will quietly retire, and you are then to intimate to Lieut.-Colonel Murray that the assistance of a military force has become necessary.

Military possession of the block will thereupon be taken, and kept by the forces, under command of Lieut.-Colonel Murray, who has received instructions upon the subject, and the survey is to be prosecuted under the protection of the troops.

As regards the payment of the balance of Te Teira's purchase money before commencing the survey, or at any subsequent time, you are to use your discretion. The Sub-Treasurer at New Plymouth has been instructed to make the necessary advances, on your requisition.

The Governor relies upon your tact and firmness in the execution of the difficult service entrusted to you; hoping that matters may be so conducted as to obviate the necessity of resorting to force; but feeling at the same time that it is impossible for himself, as Her Majesty's representative, to withdraw from the position which he has deliberately assumed in reference to this affair.

I have, &c.

R. Parris, Esq., New Plymouth.

(Signed) C. W. RICHMOND.

Enclosure 2 in No. 2.

Encl.2 in No.2.

Government House, Auckland, January 26, 1860.

SIR,

I HAVE the honour to forward an extract of the Minutes recorded in the Executive Council, held 25th January 1860, and request you to give such instructions as you may deem necessary to the officer commanding Her Majesty's troops at New Plymouth to enable him to carry into effect the views and wishes of the Executive Council. A copy of the instructions sent to the Assistant Native Land Purchase Commissioner is herewith enclosed. A proclamation enabling the officer commanding at New Plymouth to declare martial law, and power to call out the militia, will be forwarded by first mail to Colonel Murray direct.

I have, &c.

The Honourable The Officer Commanding the Troops, Auckland.

(Signed) T. GORE BROWNE, Governor.

NEW ZEALAND.

At Government House at Auckland, the 25th day of January 1860.

PRESENT:

His Excellency the Governor.

The Honourable Colonel Gold.
Mr. Secretary Stafford.
Mr. Attorney General Whitaker.
Mr. Treasurer Richmond.
Mr. Tancred.

THE Governor submits to the Council the question of the completion of the purchase from the native chief Te Teira of a certain block of land situate in the province of Taranaki, at the mouth of the "Waitara," on its south or left bank, as a preliminary to which a survey of the land is necessary.

The Council, after a full consideration of the circumstances of the case, advise—

1st. That Mr. Parris be instructed to have the said land surveyed in the ordinary manner, and to take care that the native chief "William King," be indirectly, but not officially, made aware of the day on which the survey will be commenced.

2d. Should "William King" or any other native endeavour to prevent the survey, or in any way interfere with the prosecution of the work, in that case that the surveying party be protected during the whole performance of their work by an adequate military force, under the command of the senior military officer, with which view power to call out the Taranaki militia and volunteers, and to proclaim martial law, be transmitted to the commanding officer at New Plymouth.

3d. That when the survey shall have been completed the officer commanding at New Plymouth shall, until further instructed, keep possession by force, if necessary, of the said land, so as to prevent the occupation of or any act of trespass upon it by any natives.

4th. That the civil authorities at New Plymouth be instructed to assist and co-operate, by every means in their power, with the military authorities in carrying out these instructions.

And the Honourable Colonel Gold and the Honourable C. W. Richmond are to give the necessary directions accordingly.

(Signed) F. G. STEWARD,
Clerk of Executive Council.

Encl. 3 in No. 2.

Enclosure 3 in No. 2.

SIR, Colonial Secretary's Office, Auckland, January 26, 1860.

REFERRING to instructions which you will receive from the officer commanding the troops in New Zealand, relative to the employment of a military force, if necessary, in maintaining occupation, on behalf of the Crown, of a block of land at the mouth of the Waitara, purchased by the Crown from "Te Teira," and ordered to be surveyed, I have the honour to forward to you herewith a proclamation by his Excellency the Governor, proclaiming that martial law will be exercised throughout the province of Taranaki from the date of the publication in that province of the said proclamation.

I also transmit an instrument appointing you to be the Governor's deputy, for the purpose of directing the officer commanding the militia in the district of Taranaki to draw out for actual service the Taranaki militia, or such number thereof as you may judge necessary.

It will be obvious to you that this proclamation should only be published by you, and operative effect given to the other instrument, under such circumstances as in your opinion render it impossible to carry out the wishes of the Government without resorting to the powers conferred by these documents.

I have, &c.
(Signed) E. W. STAFFORD.

Lieut.-Colonel Murray,
Commanding Detachment,
New Plymouth.

PROCLAMATION.

By his Excellency Colonel THOMAS GORE BROWNE, Companion of the most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand and its Dependencies, and Vice-Admiral of the same, &c. &c.

WHEREAS active military operations are about to be undertaken by the Queen's forces against natives in the province of Taranaki in arms against Her Majesty's sovereign authority: Now I, the Governor, do hereby proclaim and declare that martial law will be exercised throughout the said province from publication hereof within the province of Taranaki until the relief of the said district from martial law by public proclamation.

Given under my hand and issued under the public seal of the Colony of New Zealand, at Government House at Auckland, this twenty-fifth day of January, in the year of our Lord one thousand eight hundred and sixty.

THOMAS GORE BROWNE.

By his Excellency's command,
E. W. STAFFORD.

GOD SAVE THE QUEEN!

Published 22nd February 1860.
G. F. MURRAY,
Lieut.-Colonel, commanding Troops.

No. 3.

Copy of DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(No. 21.)

Government House, Auckland, New Zealand,
February 27, 1860.
(Received May 5, 1860.)
(Answered, No. 31, May 23, 1860, page 259.)

My Lord Duke,

Contrary to the expectations I expressed to your Grace in my Despatch No. 10,* of the 25th January last, the chief William King has resisted the survey of the land purchased from the chief Teira at Waitara in the province of Taranaki. No violence was offered, but the unsettled state of the tribes both north and south of that district, and the continuance of the King movement, lead me to think it necessary to take every possible precaution to prevent bloodshed, the consequence of which it would be impossible to foresee.

*Page 4.

I enclose copies of the reports sent to the officer commanding the troops, by Lieut.-Colonel Murray, the officer commanding at Taranaki, together with such other information as I have received. Private letters are full of surmises and alarms, and talk of a war of races, but I do not put faith in them, or anticipate any real opposition, when the chief William King sees that I am determined not to permit him to defy Her Majesty's Government.

I have, however, thought it my duty to make every preparation in my power. I have accordingly requested the Captain of H.M.S.S. "Niger" to proceed at once to Taranaki. Colonel Gold will embark as many men as the "Airdale" steamer (now in the Manukau Harbour) will accommodate, and he and I will accompany them to Taranaki, which we hope to reach on Wednesday the 29th instant. Should we then deem it necessary, the "Airdale" will return for the remainder of the 65th regiment, stationed in Auckland; so that in eight or nine days from this time there ought to be about 450 regular troops and the "Niger" at Taranaki.

Volunteers will be called for to protect Auckland during the absence of the troops, and I have requested the officer commanding H.M. brig "Elk" (which is expected in Auckland in a fortnight) to remain until he hears from me.

In conclusion, I beg your Grace to believe that I have taken these steps as a precaution against, rather than from an expectation of any serious difficulty, which nothing but a belief in our weakness would encourage the natives to create.

On my arrival at Taranaki I shall again warn William King; and if hostilities should be forced on us I shall communicate with the most important Maori chiefs, explaining the justice of our cause, and the absolute want of any sort of title on the part of W. King to interfere between Her Majesty's Government and any of Her subjects desiring to sell property to which he does not even allege any claim. This will, I am sure, be recognized and admitted by the Maoris, and, unless other influences are brought to bear on the subject, I have no doubt they will fully acquiesce in the course I have adopted.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Enclosure 1 in No. 3.

Encl. 1 in No. 3.

Sir,

Auckland, New Zealand, February 26, 1860.

I have the honour to forward, for your Excellency's information, the enclosed letter from Brevet Lieut.-Colonel Murray, 65th Regiment, commanding Her Majesty's troops at Taranaki; and having duly considered his application for a reinforcement, I have the honour to recommend that in order to stop further troubles in behalf of the natives headed by the chief William King, two guns and as many artillery and infantry as can possibly be spared from this garrison be forthwith despatched to Taranaki, and that the militia and volunteers of Auckland be called out to carry on the duties of this garrison.

I propose going down there to assume command myself by the earliest opportunity.

I have, &c.

His Excellency the Governor.

(Signed) C. E. Gold,
Commanding the Forces in New Zealand.

NEW ZEALAND.

SIR, Taranaki, February 11, 1860.

I HAVE the honour to acknowledge the receipt of your Despatch No. 2402, dated 26th ultimo, with its enclosures, conveying the instruction of the officer commanding the forces, in the event of circumstances rendering it necessary to move a detachment of troops to the Waitara in support of the civil authorities engaged in the survey of the block of land to be purchased from Te Teira.

I have to state, for the information of the colonel commanding, that the chief Wirimu Kingi adheres to his determination to resist the sale, and I anticipate that it will be necessary to carry out my instructions during the ensuing week.

I beg further to observe, that the militia have had no training for the last year, and I anticipate some delay in assembling and organizing them.

The volunteers do not at present number one hundred, and the term of service of many of them is about to expire, but it is hoped that they will mostly renew it.

The colonel commanding is aware of the military force stationed here; but I deem it necessary to state that in my opinion the force to be moved to the Waitara should not be under two hundred strong. to be composed of regular troops, and such volunteers as may be available to occupy the block of land, As, however, it will be necessary to take at least one gun, I must, owing to the few artillerymen stationed here, weaken my detachment by affording men to work it; and whilst on this part of my subject I would beg to call attention to the very unserviceable state of the field guns and artillery, stores in the event of protracted operations, and I enclose a requisition for a supply of the latter.

In conclusion, I would beg respectfully to express a hope that the officer commanding the forces, taking into consideration the great uncertainty as to ultimate results, will deem it advisable that I should be reinforced without delay by at least one officer and fifty men, in order to provide for the more effectual protection of the town.

I have, &c.
(Signed) G. F. MURRAY,
Brevet Lieut.-Colonel Commanding Troops.

The Major of Brigade,
&c. &c. &c.

SIR, Superintendent's Office, February 20, 1860.

I HAVE endeavoured to allay the excitement existing on Native affairs, and to enable the settlers to prepare for a crisis, but I fear at the present moment there is great likelihood of a headlong rush into town.

If a short delay, sufficient to allow of communication with Auckland, were granted, this rush of the settlers might be suspended, and in the event of reinforcements arriving, perhaps stopped, and a ruinous loss of property avoided.

I have the honour, therefore, respectfully and urgently to request that you will undertake the responsibility of such a delay, and that you will allow me to inform those settlers whose motions will guide the rest.

I have, &c.
(Signed) G. CUTFIELD,
Superintendent.

Lieut.-Colonel Murray,
Commanding Troops,
&c. &c.

SIR, Taranaki, February 20, 1860.

I HAVE the honour to forward the enclosed letter, for the information of the officer commanding the forces in New Zealand.

I beg to add, that, in accordance with what I take to be the spirit of the instructions I have received from the Governor, it is my intention, before issuing the Governor's Proclamation establishing martial law, to send a letter to Wiremu King, informing him of his Excellency's instructions on the subject of his opposition to the purchase of land at Waitara; and that if I do not hear from him by 4 P.M. to-morrow, that he will desist from further opposition, I shall proceed to the fulfilment of those instructions to take military possession of the block of land purchased from Teira.

I further beg to state, that the apprehensions of the settlers beyond the town have increased to a degree demanding sympathy.

Taking into consideration the terrible consequences that may fall upon the wives and families of those who are liable to serve in the militia if removed from their homes, I think I should fail in my duty were I not to urge upon the colonel commanding my most respectful but earnest recommendation that an addition to the military force should be made to the extent suggested in my correspondence with his Excellency the Governor, dated 13th March 1859, copy of which, with accompanying

memorandum, I duly forwarded to you. This, I think, with the assistance of a vessel of war to co-operate, would at once put a stop to further resistance on the part of King and his followers, and obviate the necessity of calling out the militia.

In the meantime I shall continue to act (with caution) up to the instructions I have received.

I have, &c.
(Signed) G. F. MURRAY,
Brevet Lieut.-Colonel Commanding Troops,
Taranaki.

Major of Brigade,
&c. &c.

SIR, Taranaki, February 22, 1860.

REFERRING to my letter, dated 20th instant, I have the honour to forward, for the information of the officer commanding the forces in New Zealand, a copy of my letter to the chief "Wiremu King," together with his reply, by which it appears that he is still determined to hold the land in dispute. I have consequently deemed the moment to have arrived for putting into operation the instruction of his Excellency the Governor. I have accordingly, this day, published his Excellency's proclamation, placing the district under martial law. I have also, as directed, instructed the officer commanding the militia to call out for active service the force under his command.

I have, &c.
(Signed) G. F. MURRAY,
Brevet Lieut.-Colonel Commanding Troops.

Major of Brigade,
&c. &c.

WILLIAM KING, Taranaki, February 20, 1860.

IT has given me much pain to hear from Mr. Parris that the Government surveyors sent down to survey the land purchased from Te Teira were stopped by your people. This is rebellion against the Queen. I am most anxious that no harm should come to any Maories caused by your conduct; but I must tell you plainly that the Governor has ordered me to take possession of the land with soldiers, and I must obey him if you continue in opposition. As I wish to keep everything peaceable between the Europeans and the natives, I will wait till 4 o'clock to-morrow afternoon, for your answer, whether I am to go or not.

I am, &c.
(Signed) G. F. MURRAY,
Lieut.-Colonel Commanding Troops.

To the Chief William King,
at Waitara.

FRIEND COLONEL MURRAY, Waitara, February 21, 1860.

SALUTATION to you in the love of our Lord Jesus Christ.

We received your letter about two o'clock. On its arrival we were all absent, and did not see it until the evening.

You say that we have been guilty of rebellion against the Queen, but we consider we have not, because the Governor has said he will not entertain offers of land which are disputed.

The Governor has also said, that it is not right for one man to sell the land to Europeans, but that all the people should consent. You are now disregarding the good law of the Governor, and adopting a bad law.

This is my word to you. I have no desire for evil, but, on the contrary, have great love for the Europeans and Maories. Listen; my love is this, you and Parris put a stop to your proceedings, that your love for the Europeans and the Maories may be true.

I have heard that you are coming to Waitara with soldiers, and therefore I know that you are angry with me. Is this your love for me, to bring soldiers to Waitara? This is not love; it is anger. I do not wish for anger; all that I want is the land.

All the Governors and the Europeans have heard my word, which is, that I will hold the land.

That is all. Write to me. Peace be with you.

From your loving friend,
(Signed) WILLIAM KING WHITI.

To Lieut.-Colonel Murray.

NEW ZEALAND.

Enclosure 2 in No. 3.

Encl. 2 in No. 3.

SIR, Superintendent's Office, Taranaki, February 21, 1860.

IN conformity with instructions contained in a Despatch from the Colonial Secretary of the 26th ultimo, I had the honour to place the Provincial Surveyor under the directions of the District Land Purchase Commissioner, for the survey of Teira's land at Waitara. The surveyor has just returned, and reports that the survey has been resisted by natives residing in the neighbourhood.

The importance of the issues that hang on this event will, I hope, be held to justify me in troubling your Excellency with the following remarks:—

The opinion of those persons in the settlement on whom I most rely in native affairs is divided in every possible way as to the turn this business may take, and I think it may be said the future is sealed to anything like confident speculation. Under such circumstances it is prudent to anticipate the worst in our preparations; to look forward to the possibility of a protracted state of hostility on the part of the rebellious natives, gradually absorbing all minor differences, and uniting the body of the Maori population in opposition to your Excellency's Government. There is in most parts of the settlement a desire among the settlers to remain in their districts, organized as volunteers and militia, for the protection of their property. That this is practicable is the view of some persons of experience here, and if practicable it is surely highly desirable. The natives will make little resistance in the open field, but they look to intimidate and punish the Europeans through their large stake in the undefended country districts. It will be to take from them their hope of a successful resistance if we are prepared to meet them in this.

On this ground, therefore, I respectfully submit to your Excellency the importance of such reinforcements of the regular troops as may dispense with the necessity for employing any part of the irregular force in active military operations proper. I pray your Excellency to take this suggestion into your consideration, and if it meets your approval to take action thereupon.

There is a very general desire that your Excellency should visit us in person at this time, and that a fully authorized member of your Executive Council should take up his residence among us.

The time I am sure you will consider critical. I can assure you of the goodwill and determination of the settlers. All that is required to work the best results from this disposition is the presence of those in whom the fullest powers and most complete acquaintance with the intentions of your Excellency are united. Your presence would give the deepest satisfaction to all.

It is also of the highest importance in connexion with one of the most delicate parts of the situation, the position of the loyal part of the natives.

Anything tending to make them feel their position equivocal tends to slacken their adhesion to your government.

I am confident, therefore, on these grounds, in pressing on your Excellency's consideration the importance of your visiting us, to clear up all doubts, and to put the whole business in such form as may enable the officer in command of the forces (in whom we feel hearty confidence) to act with the certainty of a man who has that full knowledge of the whole of your plans which it is so difficult to convey by writing.

I have, &c.

His Excellency the Governor, &c. &c. &c.

(Signed) G. CUTFIELD, Superintendent.

(Translation of Letter to the Chief Potatau.)

FRIEND POTATAU,

THE Governor is going to Taranaki, and has directed me to write to his friend to inform him of the cause.

The Governor has heard that W. Kingi has prevented the survey of the land sold by Te Teira to the Government.

Before this land was bought care was taken to inquire into the question of ownership.

W. Kingi does not claim the land, but says Teira shall not sell it to the Government.

The Governor is not attempting to take W. Kingi's land, but W. Kingi is trying to take Teira's land. This is not right, and will not be permitted.

Teira has given his land to the Queen, and if W. Kingi attempts to take it out of the Queen's hands the wrong will be his, and he will be responsible for the consequences.

The land itself is a small matter, but the Governor will not allow W. Kingi to interfere with Teira in the disposal of his own property.

The Governor has directed that Teira's land shall be surveyed, and it will be surveyed. A surveyor's party went peaceably to survey this land, and was interrupted by W. Kingi's people. The Governor will not permit this interference, and if persisted in the Queen's soldiers will go to protect the surveyors.

The Governor wishes to prevent strife, and for this purpose is now going to Taranaki.

It will depend upon W. Kingi whether there shall be peace or war. The Governor will not go back from his word to Teira at the public meeting at Taranaki in the presence of W. Kingi and his people.

(Signed) J. H. SMITH,
Native Secretary.

Similar letters will be sent to all the friendly chiefs of importance.

No. 4.

NEW ZEALAND.
No. 4.

Copy of DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(Separate.)

New Plymouth, New Zealand,
March 2, 1860.
(Received May 5, 1860.)

My Lord Duke,

I have the honour to inform your Grace that I arrived in this place in the "Airedale" steamer on the morning of the 1st of March, and H.M. steamer "Niger" arrived in the evening of the same day.

The strength of the troops assembled in New Plymouth is shown in the margin.

Officers - 25
Serjeants - 34
Drummers 9
Rank and file - 380
Total - 448

I sent immediately Messrs. Parris and Rogan, gentlemen of the Native Department, intimately acquainted with the Maoris of this province, to the chief William King, desiring him to come and see me, and giving him a written promise of safety under my own hand.

These gentlemen were sent from place to place, and would not have succeeded in obtaining an interview with him, had it not been for Mr. Whitely, a Wesleyan missionary, whom I requested to accompany them. Mr. Whitely went some distance from the pah alone, and succeeded in bringing the chief back to his people, where he held a conference with Messrs. Parris and Rogan.

After a long desultory talk, in which he asserted no proprietary claim to the land, he said he would either come or send his final decision to me this day.

The place to which he has retreated is far back in the woods, and exceedingly difficult of access, but enables him to command many straggling settlements recently occupied by Europeans, most of whom have taken refuge in the town.

I have now the honour to forward a translation of his letter in reply, which is nothing but a mockery and a subterfuge to obtain time until he can get assistance.

It is now my intention to request Colonel Gold to occupy the land at the mouth of the Waitara with Her Majesty's troops, taking every possible care to avoid a collision, unless it is forced upon him.

I shall there erect, at the expense of the local government, a block-house, large enough to hold a company of regular troops, and strong enough to be left in charge of twenty men.

My future movements will depend on the conduct of William King, but I am still in hopes of being able to avoid bloodshed.

I learn from the missionaries and others that the natives generally have been for some time alarmed by the most mischievous and unfounded reports of our intentions towards them; that they generally admit the justice of the course I have adopted, and would not think of interfering in favour of William King were they not prompted to do so by their own fears and suspicions.

To allay these fears as much as possible I caused certain documents to be printed and circulated in Maori, of which a translation is enclosed.* * Not transmitted.

I have, &c.
(Signed) T. GORE BROWNE.

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure in No. 4.

Encl. in No. 4.

(Translation.)

Waitara, March 2, 1860.

Friend Governor, Salutation to you.

I received your message, requesting me to go to town to see you. It may be right for me to do so; but this is my word to you: Listen. Days gone by things were different to what they are now. I could then have gone to town to see you, but now I am afraid of your force, because you have brought soldiers with you to the town, and therefore I think you are angry with me.

This is my word to you: I do not wish for evil; all that I wish for is friendship with Europeans and Maories.

NEW ZEALAND.

Listen. The reason we have come to the bush is because the settlers have gone to the town, and therefore we suppose that you were the cause of it, inasmuch as they have left their lands and houses. That is all about that.

This is my word to you: Would you not be willing to come to the Kaipakopako on Monday, where we can see each other? If you consent to this, it will be good. It is for you to write to me.

From your loving friend,
WILLIAM KING-WHITI.

[The writer knows that the Europeans left their homes, not at my desire, but because they knew it to be unsafe to remain in them,—

William King having in figurative language made use of a threat which was well understood by persons acquainted with Maori phraseology.

(Signed) T. GORE BROWNE.]

No. 5

No. 5.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE of NEWCASTLE.

(No. 24.)

New Plymouth, New Zealand,
March 12, 1860.
(Received June 12, 1860.)
(Answered No. 40, June 27, 1860, p. 260.)

MY LORD DUKE,

IN continuance of my Despatch, Separate,* of the 2d March, I have now the honour to inform your Grace that Colonel Gold marched to the Waitara with the troops as per margin† on the morning of the 5th March, and reached the encamping ground about 11 o'clock A.M.

* Page 11.

† RETURN OF TROOPS.

Corps, &c.	Officers.	Serjeants.	Drummers.	Rank and File.
Staff - -	5	2	—	—
Royal Artillery	1	2	—	18
Royal Engineers	1	1	—	10
65th Regiment -	12	22	9	313
Total -	19	27	9	341

I reached that place in H.M.S. "Niger" about four hours earlier. Some boats from the ship landed at once, and my Private Secretary, Captain Steward, Lieutenant Blake, R.N., and Mr. Rogan, Native Agent, seeing no one, advanced to meet the troops. They soon, however, discovered a number of natives lying in ambush well concealed.

After some talk with the Native Agent, who told them they were between the troops and the sailors, they retired, saying they would return.

During the night William King's natives built a pah commanding the road, and the following morning stopped an escort coming into camp.

On hearing this I sent a message by my Private Secretary and Mr. Parris, Native Agent, (vide Enclosure 3,) saying, that if they did not evacuate it in twenty minutes I should instruct the troops to fire on them. This had the desired effect, and the pah (which was found to have traverses, and to be extraordinarily well designed,) was burnt by the troops.

I then returned to New Plymouth in H.M.S. "Niger," information having been received that the natives on the south would attack the town at once. See Report enclosed; Parris, 6th March, marked No. 4; Turton, marked No. 5.

The force in the town at this time consisted of about (300) three hundred militia and volunteers and (26) twenty-six regular troops.

Friendly natives also informed me that other tribes were likely to join William King, and that every endeavour would be made to cause a war between the races. I therefore sent for the company of the 65th Regiment stationed at Wellington, directing the officer commanding there to intrust the care of the town to the militia.

Fifty men, a six-pounder gun, and a twelve-pounder rocket tube were also landed from the "Niger."

The European inhabitants of the Tataraimaka block were recommended to come into town, and two block-houses, one about four miles towards the north, and the other five miles towards the south, were erected to command the main roads, and afford protection

to stragglers. The native pah in the town was closed, and Maoris admitted by passes, given only to those who will sign a declaration of allegiance to Her Majesty.

I further prepared to enrol the few natives who can be depended on into an irregular company, under charge of Mr. Richard Brown, a gentleman who has been resident among them for very many years.

The whole of the population is now assembled in the town, and the militia and volunteers perform the ordinary military duties by day and by night, with a goodwill which is deserving of the highest commendation.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Enclosure 1 in No. 5.

Encl. 1 in No. 5.

SIR, New Plymouth, March 3, 1860.

THE reply from the Chief William King, received last night, having been unsatisfactory, and evincing only a desire to gain time, I have the honour to request that you will be good enough to take military possession of the land purchased from the Chief Teira at the Waitara river.

It is not probable that William King has more than three hundred men with him at the present time, and he desires delay only in the hope of succour from other tribes. It will be for you to consider what force you think necessary to accomplish your object. I shall request Captain Cracroft to take the Niger down to the mouth of the Waitara, and to be ready to land fifty men and a gun, should they be required.

The officers of the native department will submit to you a memorandum containing such information as they are in possession of, and they appear very anxious that the soldiers should not carry packs, as the natives, who are exceedingly active, might be induced to attempt a conflict with men so encumbered.

I propose, with your approval, that a block-house capable of containing a company of soldiers, and which could be safely held by twenty men, should be erected with as *little delay as possible* on some safe and commanding position at the Waitara, to be permanently occupied by troops, regular or irregular.

The cargo boats belonging to the port shall be at your disposal, and the captain of the Niger would doubtless assist, should you think proper to send your baggage by sea.

It will be desirable that some policemen, and some of the natives to whom the land belongs, should attend you, in case of any attempt at what the natives consider passive resistance.

Finally, I beg to observe that it is very desirable that collision should be avoided as long as it is possible to do so. The first blood shed is a matter to which the natives attach great weight, and other tribes would join William King in a demand for *utu* if he could satisfy them that he had not been the first aggressor.

I shall be obliged if you will keep me acquainted with your proposed movements.

I have, &c.

The Honourable Colonel Gold, &c. &c. &c.

(Signed) T. GORE BROWNE.

Enclosure 2 in No. 5.

Encl. 2 in No. 5.

SIR, New Plymouth, March 3, 1860.

I HAVE the honour to request that you will be good enough to call the attention of all branches of the force under your command to the necessity of treating the natives with the utmost civility. They are unlikely to have intercourse with any but men who are disposed to be most friendly and of great use to us, and quarrels between individuals of the two races may be attended with the worst possible result.

I trust, therefore, you will be good enough to impress upon all branches of the force that they are under your command, and that you will visit any breach of your orders in this respect with the severest punishment.

I have, &c.

The Honourable Colonel Gold, &c. &c. &c.

(Signed) T. GORE BROWNE.

NEW ZEALAND.

Enclosure 3 in No. 5.

Encl. 3 in No. 5.

To the Chief who obstructs the Queen's road.

YOU have presumed to block up the Queen's road, to build on the Queen's land, and to stop the free passage of persons going and coming.

This is levying war against the Queen. Destroy the places you have built; ask my forgiveness, and you shall receive it. If you refuse, the blood of your people be on your own head.

I shall fire upon you in twenty minutes from this time if you have not obeyed my order.

I have, &c.

Camp "Waitara," March 6, 1860. (Signed) T. GORE BROWNE.

Encl. 4 in No. 5.

Enclosure 4 in No. 5.

SIR, Camp Waitara, March 6, 1860.

THE letter from Tamati Wiremu (Native Assessor) conveys information to the effect that he has attended a meeting of the Taranaki natives, who have declared in favour of William King, and have also intimated their intention to attack the town.

Your Excellency's most humble servant

His Excellency the Governor. (Signed) ROBERT PARRIS.

Encl. 5 in No. 5.

Enclosure 5 in No. 5.

DEAR SIR, Warea, Wednesday morning, March 7, 1860.

ON my way to Tataraimaka, as requested, I saw Tamati Wirimu, Parenga Hoani, Tieki (Jack), and another, and told them to come and see you in the town. T. Wirimu, at first excused himself, because I was not the bearer of a letter to him from the Governor. A lame man called Mutu, whom I left at the Poutoho with Williams, I found here at Warea on my arrival yesterday. He had come to hear the talk, and then return and report it.

I hope you will be able to arrange about the Tataraimaka property, so that the small armed force of seventeen men (including boys) may either be withdrawn, or allowed to appear without equipment. Where it is not the subject of ridicule, I find it very irritating to their Maori neighbours. Besides it is a great temptation to these young fellows, who are all three fourths mad for the novel excitement of a war with the Pakeha; indeed the old men are not a whit better, except that they advise all to wait until blood has been spilled. But even in that case, if the natives should be the aggressors, I believe that many will avoid the contest, and leave King to fight it out. The Warea chief (head man of Taranaki tribe), Paora Kuhutu, is nearly related by blood to William King, which will greatly account for the interest taken in the present question.

Some of the people on this coast are neutral, but very few. The Ngatiruanuis to a man are opposed to the Government, and it would appear that all their force, three to four hundred (including young boys), are also waiting for the Pakeha to strike the first blow, and then proceed through the bush to Koiroa.

On the other hand, these Taranakis are quite free in telling me that they *will not* go round the mountain, but will proceed (if at all) by the Omata. Many of them are extremely saucy, and say the worst they are able of the Governor; all his past kindness to them has been thrown away.

At any rate I have so laid the case before them all that they cannot hereafter plead ignorance. I do not for a moment attempt to persuade them not to join in the affray, since that in my case would be construed into a sign of Government fear or weakness, but I endeavour so to expose the question that that consequence may ensue. They look strongly towards Waikato for help. Many of these folks (about 40, with ngati manners,) have gone to attend the King meeting to be held shortly at Maungatantari, according to invitations issued ten months ago, and the remainder here look forward for some substantial aid in *men* to result from that conference; but if that blood be spilt they will not wait a moment to hear from Waikato.

But the deep current of feeling here is in reference to the Queen's power and jurisdiction; it is not so much a land question as in Waikato, but a strife as to whose rule shall govern the island.

Some say that if this Teira's land be allowed to the Government, it shall be the last; and that any future purchase shall meet with similar opposition and defiance.

In case of outbreak, these people will attempt (as at Wellington) to sell their produce through medium of ticket natives. One of the *greatest* punishments to them would be *entirely* to stop their supply of *tobacco*. I am now off to the south, and shall hold a meeting at Weriweri.

Yours, &c.

The Honourable C. W. Richmond, Esq.; W. W. TURTON.
&c. &c. &c.

P.S.—They talk largely of simultaneous attacks on each English settlement as the sure means of conquering.

SUGAR LOAF ISLANDS

SAND HILLS

NEW PLYMOUTH

SAND HILLS

CAMP

DEVON

DENSE FOREST

MOUNT EGMONT

REFERENCE.

English Cultivations	Green
Wild Lands	Gray
Native Lands	Yellow
English Defences	Red
Native Pas (Occupied)	Black

SCALE

0 1 2 4 Miles

Day & Son, Lith^rs to the ...

No. 6.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE of NEWCASTLE.

(No. 25.)

New Plymouth, New Zealand,
March 13, 1860.
(Received June 12, 1860.)
(Answered, No. 40, June 27, 1860, page 260.

MY LORD DUKE,

To enable your Grace to understand the operations in this province, I have the honour to enclose a rough sketch of the town, and an outline map of the province.

It may also be necessary to say that the coast affords no harbour, and consequently, when the wind blows from the west, ships are obliged to put to sea without a moment's delay. A heavy surf breaks constantly on the shore, and prevents ordinary boats from landing; but the port is supplied with three surf boats, which are generally able to communicate with the shipping.

The town consists of a straggling village on a skirt of flat land, which is enclosed and commanded by a higher table land encircling the town in the form of a crescent. One end of this crescent is Marsden Hill, on which the barrack stands, and on the other extreme we are about to erect a stockade. The intervening space between the barrack and this block-house is about three quarters of a mile, but the ground is broken by ravines and swamps and covered with fern, so that what is delineated in the New Zealand Company's plan as squares and streets is in reality wild land, much tormented, and well adapted to cover and conceal the approach of an enemy. Isolated cottages are dotted about at intervals, the town being confined to little more than a single street on the shore.

The inland country generally is covered with high fern and dense forest, some of which is almost impenetrable to Europeans, and is everywhere broken by ravines and streams which are thrown off from Mount Egmont.

There is a native pah in the town of New Plymouth (which, however, I have had shut up), and there are numerous pahs in every direction, as shown on the accompanying map.

In fact it is difficult to imagine a country better adapted for the operations of savages, whose strength lies in their power of penetrating fastnesses, and taking advantage of every inequality to conceal themselves.

The proposed block-houses, which look so imposing in the sketch, may be described as wooden guard-houses, large enough to contain twenty men each. They are not yet constructed.

I have, &c.
(Signed) T. GORE BROWNE.

His Grace the Duke of Newcastle,
&c. &c. &c.

No. 7.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE of NEWCASTLE.

(No. 26.)

New Plymouth, New Zealand,
March 20, 1860.
(Received June 12, 1860.)
(Answered No. 40, June 27, 1860, page 260.)

MY LORD DUKE,

I HAVE the honour to forward a report received from Colonel Gold, of the destruction of a native pah, together with a letter which I addressed to him previous to his undertaking the operation.

I have, &c.
(Signed) T. GORE BROWNE.

His Grace the Duke of Newcastle.
&c. &c. &c.

NEW ZEALAND.

Enclosure 1 in No. 7.

Gore Browne Redoubt, Waitara,
March 19, 1860.

Encl. 1 in No. 7. SIR,

I HAVE the honour to report, for your Excellency's information, that having been informed by Mr. Parris, Native Commissioner, (copy of letter marked A, attached,) that W. King's party had erected another pah on the Government block of land for hostile purposes, I determined to destroy it as soon as the 24 pr. howitzers I had ordered from New Plymouth arrived. I accordingly on the 17th instant, at 20 minutes after 12 o'clock, marched with the force, leaving one company, 65th Regiment, under Captain Bulkeley, of that corps, who, though very unwell, cheerfully volunteered to protect our camp and stores. We passed the pah, which was about 1¼ miles distance from this, leaving it 200 yards to our left, and took up a position suitable to artillery, having the mounted volunteers on the extreme right to threaten the line of retreat of the enemy, and the infantry, part extended and part in companies, to protect the guns. I then sent a summons to the natives to surrender (copy enclosed marked B.) by Mr. Parris, whose services have been very valuable throughout. He speedily returned, and reported that the rebels would neither read nor receive it. The guns and rockets now opened upon the pah at about 750 yards. In half an hour I moved to the right, to batter another face at shorter range, when the natives opened fire upon us. I again took the same direction, and fired at about 300 yards. Having made considerable havoc on this side, and a swamp debarring our farther progress, I took ground to the left, when a rash but daring movement of the volunteer horsemen occurred towards the pah. A heavy and well-sustained fire was then opened upon us from two faces, on which occasion Mr. Sarten of the mounted volunteers, and two privates, 65th Regiment, were dangerously wounded; one of the latter, P. W. Corbett, I regret to say, is since dead. The enemy's musketry was silenced by the guns; and I continued the movement as far as the road on which we had advanced in the morning, 200 yards from the pah, where we should have commenced operations at first had it not been necessary to make a show of turning the rebel's flank ere I summoned them to surrender.

The troops were now halted, and formed in close column, covered by the guns. A line of entrenchment was then drawn out by Lieutenant Mould, R.E., which the soldiers speedily converted into a suitable cover, guided by the intelligent non-commissioned officers of the Royal Engineers.

During this opportunity we were within good range of a rapid and continuous fire from rifles and musketry, and but for a kind Providence might have sustained considerable loss. The guns were put in rear of the trenches, and it being nearly dark, we laid down on our arms, the fire from the pah continuing nearly all the night. On the morning of the 18th, as soon as there was sufficient light, the guns were advanced towards the stockade, covered by skirmishers of the 65th Regiment, who with the Royal Engineers soon threw up a trench in their front; fire was then opened, after which another approach to about 50 yards, protected as before, was made, and a breach in the pah soon made into which the troops entered at 40 minutes after 11 a.m., and finding it to their great disappointment evacuated. The pah was strong and well built, with a fine double palisade of green wood, and curiously hollowed out and banked up with fern and earth.

I have the honour to enclose a plan.

After much labour, it was taken to pieces and burnt. They left their flag and several tons of potatoes. We filled in our trenches, and arrived at the camp, half past four p.m.

I have, &c.

His Excellency the Governor,
&c. &c. &c.

(Signed) C. E. GOLD, Colonel 65th Regiment,
Commanding the Forces in New Zealand.

A.

SIR,

Camp Waitara, March 17, 1860.

I HAVE the honour to inform you that the natives under W. King have erected a pah for hostile purposes upon the block of land sold to the Government.

I have, &c.

Colonel Gold,
Commanding the Forces.

(Signed) ROBERT PARRIS.

B.

TO WILLIAM KING AND HIS FOLLOWERS,

Camp Watara, March 17, 1860.

MISGUIDED people, your pah is invested. Surrender at once, or I commence to fire upon you. Though your offence is great, the Governor will be merciful to you if you surrender.

If I fire upon you your fate is sealed.

(Signed) C. E. GOLD,
Colonel Commanding the Forces.

Encl. 2 in No. 7.

Enclosure 2 in No. 7.

SIR,

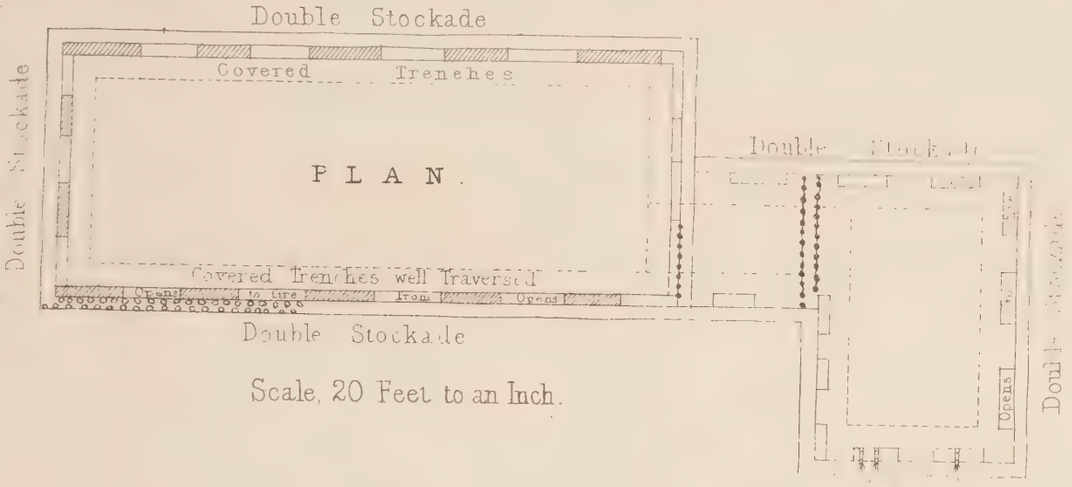
New Plymouth, March 11, 1860.

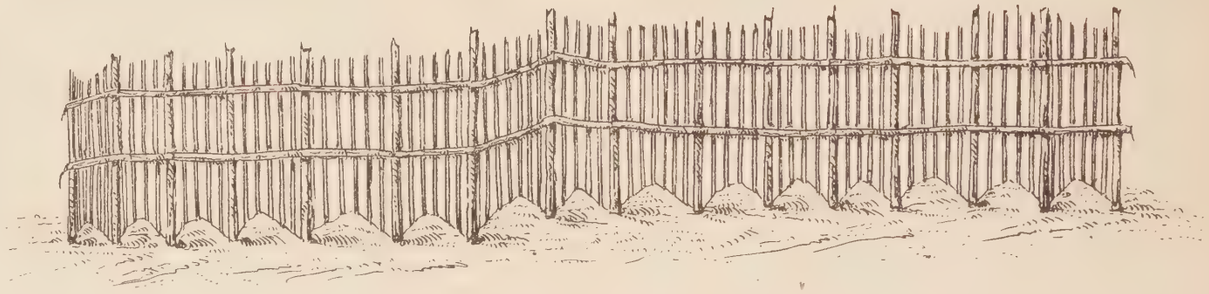
I HAVE the honour to acknowledge the receipt of your letter of the 10th March, in which you inform me that W. King intends again erecting a pah on the Government land.

Should he do so on the Government land it will of course be for you to deal with him in the manner you think proper, taking every precaution to avoid an ambush, without which the natives (unless far more numerous than I imagine them to be) will scarcely venture to oppose you.

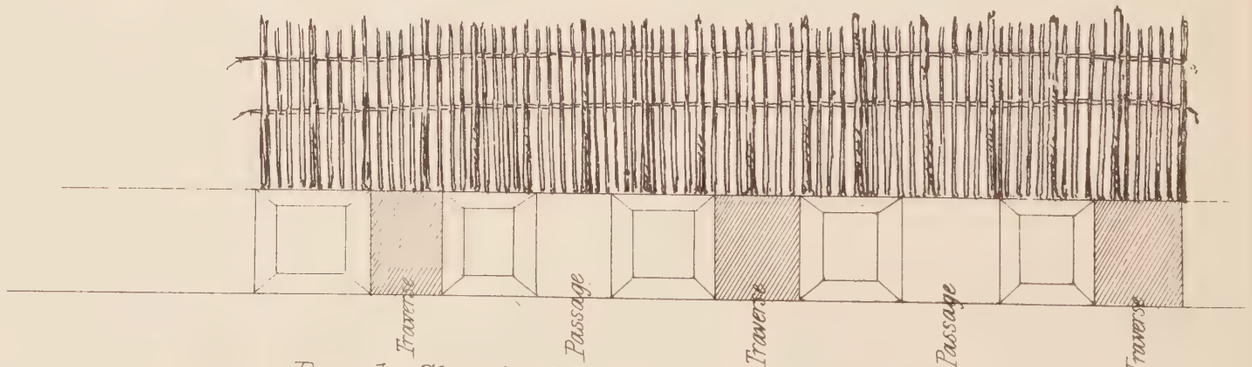
Sketch Of Pah, Destroyed On The 18th March, 1860.

Breached End of Pah

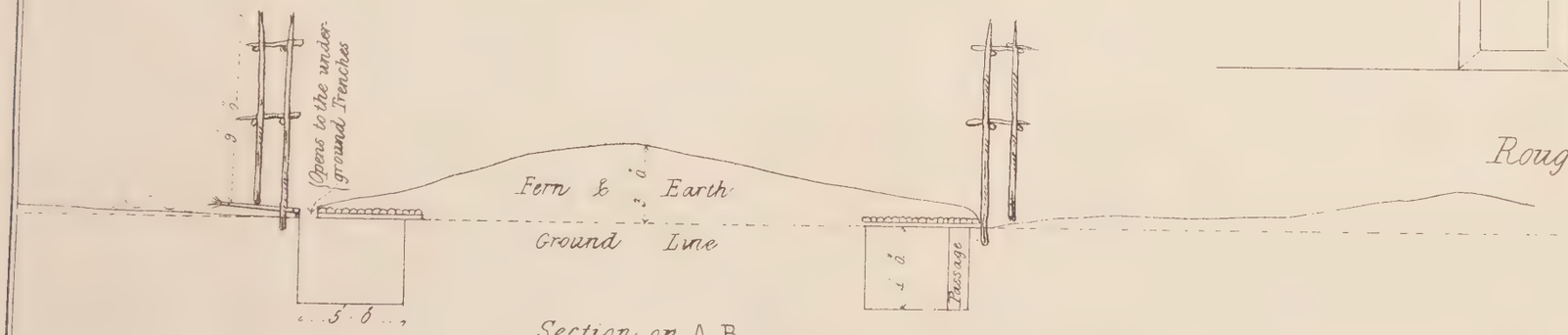




Rough Sketch of Outer Palisade.



Rough Sketch of Inner Palisade & Underground Trenches



This Pah was Breached by the Artillery

Fredk B Mould
Lt Royl Engrs
20th March 1860

Day & Son Lith^rs to the Queen

I suggest also for your consideration whether it might not be desirable to let him complete his pah, and (when you have information that his men are all there) summon him, give him a few minutes warning, and if he does not lay down his arms, and submit himself to you, storm the pah, and take it, using every possible caution, which will not be found unnecessary.

Should he erect a pah on native land, which I have reason to believe is more likely, I have to request you will be good enough to abstain from interfering with him.

I would also suggest that any operations you might undertake should be communicated to no one but those of your staff, from whom it cannot be concealed, and Mr. Rogan, on whom you may entirely depend.

If you surround the pah at night, and summon it at dawn, it is probable you might effect your object without the inmates having previous knowledge of your intentions.

I have, &c.
(Signed) T. GORE BROWNE.

The Honourable Colonel Gold,
&c. &c. &c.

No. 8.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE of NEWCASTLE.

(No. 27.)

New Plymouth, New Zealand,
March 22, 1860.
(Received June 12, 1860.)
(Answered No. 40, June 27, 1860, page 260.)

MY LORD DUKE,

IT is with much regret that I have to inform your Grace, that, notwithstanding every endeavour on my part to avoid hostilities, a collision has taken place between Her Majesty's troops at the Waitara and the natives.

For your Grace's convenience I enclose a printed statement of what has occurred up to the 18th March.

It is now clear to me that William King has been encouraged in his opposition by an assurance of formidable support, and that the question of the purchase of an insignificant piece of land is merged in the far greater one of nationality.

I have insisted on this comparatively valueless purchase, because if I had admitted the right of a chief to interfere between me and the lawful proprietors of the soil I should soon have found further acquisition of territory impossible in any part of New Zealand.

Even if the right of "mana" (viz., a feudal superiority without proprietary interest in the land,) exists at all, William King could neither possess nor exercise it, Potatau, the chief of the Waikatos, having obtained it by conquest, and sold all his claims at New Plymouth to the New Zealand Company.

Without admitting this right (which is the only one asserted by William King), I could not with reason have rejected the offer made to me by Teira and his party, because that was the only obstacle to their selling their land, and (by the treaty of Waitangi) they are prevented from selling to any but the Government.

It follows that I must either have purchased this land, or recognized a right which would have made William King virtual sovereign of this part of New Zealand, which is the object of his avowed ambition.

The condition of this province has been for years unsettled and perilous. A desire to sell on the one part, and a refusal to do so on the other, having been the cause of chronic feuds between the natives themselves, frequently ending in battle and murder, fought or perpetrated indiscriminately on European or native land, and always liable to entangle the settlers, with or without their own consent. Non-interference in these quarrels, so long as they were confined to the native race, has been my invariable rule, but the time has arrived when to remain passive is quite as dangerous as to act with decision.

Your Grace is aware that I have always considered that the Governor of New Zealand is the natural guardian and trustee of the native race; that I have strenuously maintained their right to do as they please with their own, and have resisted all attempts to coerce even a small minority of proprietors, objecting to alienate land to which they can prove any title, even according to Maori custom.

I feel confident, therefore, that you will believe that the course I have now adopted is not only equitable, but has become unavoidable.

I now turn to what is, in my opinion, the real question at issue. The Maoris have seen with alarm the numerical increase of the Europeans, and recognize, with bitterness

NEW ZEALAND.

of heart, their own decrease. It is in vain to suggest precautions which might be adopted, and which would (under God's providence) probably arrest or diminish this decrease. They connect their own decline with our ascendancy. They talk and think of themselves as of a race dying out, and the King movement, and the land league, are only practical results of this feeling. The old savages, of whom there are still many, remind their hearers that the decrease of their nation commenced with the arrival of the Europeans, and they have a firm superstition that we are in some way connected with it.

From the best information I can obtain, I am led to believe that the present is an exceedingly critical time. The progress of civilization, which I have watched and reported with so much satisfaction, and the increased community of interest between the races, especially in the north, has alarmed the old chiefs and others who cling to a distinct nationality, and has led to extensive combinations on national grounds, against what they term foreign dominion. Hence the extension of the King movement. Tribes heretofore at deadly enmity with each other, and who would gladly have joined us to be revenged on their opponents, have buried their tribal quarrels, and are ready to unite to arrest the progress of the Europeans, and throw off their dominion.

Had Her Majesty's Government thought it expedient to maintain a larger military force in this colony it is probable that any local opposition (like the present one, which even the Maoris cannot justify,) might have been stamped out before it had time to spread; but though I denuded Auckland and Wellington of protection, and brought every soldier I could collect, embodying in a militia every able man in this province, the Maoris entertain but small respect for our numbers, and believe that they cannot or will not be increased.

A pah which they erected in one night, and which was garrisoned only by about seventy (70) Maoris, occupied our troops two days to capture and destroy. A storm of shot and shell did scarcely any execution, and finally it was evacuated with trifling loss.

Meantime, strong apprehensions have been entertained for the safety of the town, which is crowded by the families of settlers, who, with about one hundred and twenty of Her Majesty's 65th Regiment, form the garrison.

In making these statements, I beg to disclaim any doubt as to the superiority of Her Majesty's troops, when able to induce their opponents to meet them in fair field, even with a great inequality of numbers. The Maoris, too, are perfectly aware of this superiority, and will never meet us in the field; but their knowledge and ability to avail themselves of the fastness of the country enable them to inflict severe loss on us, and escape scatheless themselves. Indeed it is not generally known that during the war in the north of New Zealand, the Maoris were always far inferior in numbers to Her Majesty's troops; but their deficiency in this respect was made up for by the strength of the country in which they fought. Their skill in forming traverses and covered earthworks in their pahs is also surprising, and most admirable; in fact, I am inclined to believe that shot and shell are thrown away on these defences, and that nothing but an approach by earthwork will be found efficient. In the same way, the broken nature of the ground, the fern, swamp, and forest which surrounds the town, would enable them to pass our outposts unobserved, and to penetrate the town itself before they would be discovered.

I have placed all these difficulties before your Grace, not as considering them in any way insuperable, but in the hope of convincing you that unless matters take a more favourable turn than we have any right to expect, a much larger number of troops than has hitherto been asked for will be necessary to maintain possession of the colony at all.

I have written to the Governors of the Australian colonies, requesting them to send me such support as they are able, and they will inform your Grace how far they have been able to comply with my request.

Finally, I transmit to your Grace the opinions of the two military officers in command, of the Minister for Native Affairs, and the Native Secretary, Mr. M'Lean; and I submit respectfully that the peace of this colony can only be ensured by the presence of a considerable military force.

Failing this protection, the colony may be engaged in war at any moment; immigration to the northern island will then cease; many will abandon their homes, and their places will be supplied by bands of lawless men, reproducing that state of anarchy which existed prior to 1840, and to put an end to which New Zealand was declared a British colony. It is needless to say that such a contest would terminate only in the extinction of the native race.

I have some diffidence in expressing any opinion as to the number of troops required. Hitherto I have considered that two thousand (2,000) men, with a strong company of artillery, would have enabled me to bring such a force into the field suddenly as would extinguish the first sparks of rebellion. Now I am reluctantly compelled to say that I believe (3,000) three thousand men, a steam gun-boat, and a steamer of war, will be necessary for some time to come to ensure the maintenance of peace.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE, Governor.

Enclosure 1 in No. 8.

STATEMENT relative to the purchase by the British Government of Te Teira's land at Waitara, Taranaki.

What took place upon the original offer of Te Teira's land to the Governor is reported in the following article extracted from the "Taranaki Herald" of March 12, 1859.

On Tuesday a meeting of the Moturoa, Town, Waiwakaiho, Puketapu, and Waitara natives was held in a paddock adjoining the residence of the Land Purchase Commissioner. It was less numerously attended than many former ones, the muster of the Waitara natives being particularly small. Shortly after 11 o'clock his Excellency the Governor, accompanied by his Private Secretary and the Chief Land Purchase Commissioner, arrived on the ground, and was welcomed by the assembled natives, the whole rising up to receive him, with the exception of William King and some few of his followers.

The principal chiefs then paid their respects to the Governor.

Tahana, a native assessor, opened the proceedings by acknowledging the benefits conferred on the natives by the introduction of Christianity and European customs, and expressed the desire of himself and his tribe to have British law established amongst them.

Mr. McLean on behalf of his Excellency spoke as follows:—

The Governor wished them to understand that the Queen regards equally all her subjects; that all her Governors have had and would have the same instructions, viz., to do their utmost to promote the welfare of her subjects without distinction of race. The missionaries had imparted to them the blessings of Christianity, and translated the Bible for their use. It was not in the power of man to confer any other gift which would bear comparison with that of the Bible; but, out of regard for the natives, his Excellency had caused an abstract of English laws to be translated into Maori. He had no wish to enforce this law; on the contrary, it would only be put in force in those districts where the people are wise enough to desire it, and prepared to carry it into effect themselves. Some tribes in the north had already desired to have English law; and a magistrate had been employed to instruct them how to put it into practice. They were now engaged in doing so, with every prospect of becoming a peaceful and prosperous people, and uniting themselves with the Pakeha. This tribe is the Ngapuhi. The Governor had but two subjects on which he desired to speak particularly to the tribes living near Taranaki, and they were—first, in reference to criminal offences; second, in reference to land. He wished these subjects to be considered separately, and as having no sort of reference to each other. The tribes in the vicinity of Taranaki have greater advantages than most others, as they are much intermixed with the Pakeha, and ought to profit by their intercourse with them. If they chose to live peaceably and cultivate their lands, they would grow rich and multiply, instead of which they were constantly at war with each other, and their numbers were decreasing. Their disputes were almost always about matters of little or no importance, or about land which was not worth quarrelling for. Had the Governor been in New Zealand when Katatore slew Rawiri he would have had him arrested and brought before the Judge, and, if the Judge had sentenced him to be hanged, he would have caused him to be hanged; that he had not thought proper to arrest Ihaia, because, though the murders to which he was a party were horrible and disgraceful, yet they admitted of some extenuation, inasmuch as they were committed in retribution for the murder of Rawiri. All this, however, now belongs to the past; but, for the future, he had determined that every man (whether he be Maori or Pakeha) who may commit any violence or outrage within the European boundaries, shall be arrested and taken before the Judge, and the sentence of the Judge, whatever it may be, shall be carried into effect. He was determined that the peace of the settlers should no longer be disturbed by evildoers, and that those Maories who are not content to live in peace among the Pakehas had better go elsewhere. In reference to the second subject, the Governor thought the Maories would be wise to sell the land they cannot use themselves, as it would make what they could use more valuable than the whole; but that he never would consent to buy land without an undisputed title. He would not permit any one to interfere in the sale of land unless he owned part of it; and, on the other hand, he would buy no man's land without his consent.

Tahana again addressed his tribe, approving of that portion of his Excellency's speech declaring that if murders were again committed that the murderer should be arrested and tried by British law. He then supposed a case of a native policeman or assessor (himself) shot whilst arresting a murderer, and inquired who would avenge him. He stated that if he were assured of the support of his Excellency, as he knew his Excellency would receive the support of the Queen, he could hereafter single handed arrest offenders.

Te Teira, a Waitara native, then stated that he was anxious to sell land belonging to him; that he had heard with satisfaction the declaration of the Governor referring to individual claims, and the assurance of protection that would be afforded by his Excellency. He minutely defined the

boundaries of his claim; repeated that he was anxious to sell, and that he was the owner of the land he offered for sale. He then repeatedly asked if the Governor would buy this land. Mr. McLean, on behalf of his Excellency, replied that he would. Te Teira then placed a *parawai* (bordered mat) at the Governor's feet, which his Excellency accepted. This ceremony, according to native custom, virtually places Teira's land at Waitara in the hands of the Governor.

Hemi Kuku then followed, and stated his desire to dispose of land at Onairo, but in consequence of violent opposition his offer was not then entertained.

Piripi, a relative of Ihaia's, then offered his land at Waitara; his right to sell was denied by Te Teira, Te Waka (a town native), and several of the Waitara natives, who asserted that his land was forfeited as payment for the murder of Katatore by his relatives.

Paora then informed the Governor that Te Teira could not sell the land he had offered without the consent of Weteriki and himself, as they had a joint interest in a portion of it.

Te Teira replied to him, and was immediately followed by William King, who, before addressing the Governor, said to his people, "I will only say a few words, and then we will depart;" to which they assented. He then said "Listen, Governor. Notwithstanding Teira's offer, I will not permit the sale of Waitara to the Pakeha. Waitara is in my hands. I will not give it up; *ekore, ekore, ekore,*" (i.e.,) I will not, I will not, I will not. "I have spoken!" and turning to his tribe; added, "Arise, let us go." Whereupon he and his followers abruptly withdrew.

Kipa, a Waiwakaiho native, then expressed the satisfaction that the Governor's speech afforded him, and proposed that henceforward British law should not prevail beyond the Waitaha.

Matiu, a Hua native, wished to address his Excellency on the King movement, but was informed that another opportunity would be afforded him.

The meeting then separated.

The report of the "Herald" is correct, except in omitting to state that the Governor's acceptance of Teira's offer was conditional upon his showing a satisfactory title.

At the meeting of 12th March 1859 no substantial exception was made to the right of Teira and his party to the land, W. King insisting merely upon his own possession.

As to the possession, the facts of the case are, that when King returned to Taranaki from Waikanae, in 1848, being in fear of an invasion of the Waikatos from the north, he asked permission of Tamati Raru, Teira's father, to build a pa upon the piece of land on the south bank of Waitara, now sold to the British Government. Permission was granted, and King's pa was erected on the south bank, his cultivations being on the north bank. King's followers have, however, encroached with their cultivations upon the south side of the river, and these encroachments have been for a long time a source of continual dissension.

After the Governor's conditional acceptance of Teira's offer, the District Land Purchase Commissioner, Mr. Parris, made careful inquiry into the validity of the rights of Teira, Rawiri Raupongo, Retimana, and the other sellers. This inquiry was prolonged till the close of the year 1859, not from any doubt that existed as to the title, but in the hope that the opposing party might be brought to reason. In the frequent interviews which he had with the District Commissioner, King never pretended to deny the right of property, but insisted upon his own right of putting a veto upon all sales at Waitara. In this he was supported by a number of natives who have gradually gathered about him since his settlement at Waitara, and who, as they have been, like King himself, enjoying the use of the land, without any claim to share in the proceeds of its sale, were naturally averse to its alienation.

A large section of W. King's tribe, residing at Queen Charlotte's Sound, including Roopoama te Ore and his followers, affirm the right of Teira's party.

It was at full length decided to pay an instalment of the purchase money, full notice being given to King. The transaction is officially reported by Mr. Parris in the following letter:—

New Plymouth, 4th December 1859.

Sir,—I have the honour to inform you that on Tuesday the 29th ultimo I paid an instalment of one hundred pounds to Teira and others for their land at Waitara.

On Friday the 25th ultimo I went to Waitara to inform William King that I purposed doing so.

On Tuesday the 29th he came to town with a party of about thirty to oppose it. I prevailed on them to meet Teira's party, and discuss the question, which was done in a very orderly manner, in the presence of a very large audience of Europeans.

W. King avowed his determination to oppose the sale, without advancing any reason for so doing; upon which I put a series of questions to him, which I called upon the Rev. Mr. Whiteley to witness, viz.:—

Q. Does the land belong to Teira and party?

A. Yes; the land is theirs, but I will not let them sell it.

Q. Why will you oppose their selling what is their own?

A. Because I do not wish that the land should be disturbed, and though they have floated it, I will not let it go to sea.

Q. Show me the correctness or justice of your opposition?

A. It is enough, Parris; their bellies are full with the sight of the money you have promised them, but don't give it to them. If you do, I won't let you have the land, but will take it and cultivate it myself.

Teira stops in town since he received the instalment, considering it not safe to stop at Waitara.

I have the honour to be, Sir,

The Chief Land Purchase Commissioner, Your obedient servant,
&c. &c. &c. (Signed) ROBERT PARRIS,
Auckland. District Commissioner.

On the same occasion a document setting forth the boundaries of the block was read to the assembled natives by Mr. Parris. Appended to the document was a declaration on behalf of the Governor, that if any man could prove his claim to any piece of land within the boundary described, such claim would

be respected, and the claimant might hold or sell as he thought fit. No such claim, however, was put forward.

Soon after the receipt of Mr. Parris's letter of 4th December the Governor in Council gave directions for the survey of the land. Accordingly, on the 20th February, the survey was attempted by a small unarmed party, but was put a stop to by a crowd of King's people.

The Governor thereupon proceeded to Taranaki, where he arrived on the 1st March, and immediately despatched a message to W. King, requesting that, to prevent misunderstanding, he should come into the town, and learn the Governor's intentions, and offering a safe conduct. King, however, refused to come.

It was now finally determined to carry the survey by a military force, and on the 5th March troops were moved down to Waitara, and occupied a position on the purchased block.

The following manifesto had been previously published in the Maori language, and widely circulated by special agents amongst all the tribes of the northern island:—

(Translation.)

1. When the Pakehas first came to Taranaki, there were no natives at the Waitara. The Ngatiawa had been dispossessed by the Waikato.

2. The Waikato transferred their rights to the Government, and received a payment for the land.

3. Afterwards the Ngatiawa returned, and occupied the land; the Government acquiesced in this occupation.

4. In March 1859 some of these occupants, Te Teira and others, openly offered to sell to the Government their claims to a portion of the land at Waitara.

5. William King opposed this offer, and said that no land at the Waitara should be sold. But the "mana" of the land was not with William King, and he had no right to forbid the sale of any land which did not belong to him personally.

6. The Queen has said that all the natives shall be free to sell their lands to her, or to keep them, as they may think best. None may compel the Maori people to sell their lands, nor may any forbid their doing so.

7. William King sets his word above the Queen's, and says, though the rightful owners of the land may wish to sell, he will not allow them to do so.

8. The Governor cannot allow William King's word to set aside the words of the Queen.

9. The Governor has said that he will not allow land to be bought the title to which is disputed. He has also said that he will not allow interference with the rightful owners in the sale of their lands. When land is offered the title to which is clear the Governor will use his own discretion in accepting or declining the offer.

10. The Governor accepted Te Teira's offer conditionally on its being shown that he had an indisputable title.

11. Te Teira's title has been carefully investigated, and found to be good. It is not disputed by any one. The Governor cannot therefore allow William King to interfere with Te Teira in the sale of his own land.

12. Payment for the land has been received by Te Teira. It now belongs to the Queen.

13. William King has interfered to prevent the survey of the Queen's land by her own surveyors. This interference will not be permitted.

14. The Governor has given his word to Te Teira, and he will not go back from it. The land has been bought, and must be surveyed. The Queen's soldiers will protect the surveyors. If William King interferes again, and mischief follow, the evil will be of his own seeking.

15. The Governor desires peace. It depends upon William King whether there shall be peace or not. If he ceases to interfere with what is not his own, he will be treated as a friend, and there will be peace.

An article explanatory of the Governor's intentions was also inserted in the "Maori Messenger," a Government newspaper published twice a month in the native language. A translation of the article is here extracted:—

(Translation.)

Yesterday, the 28th instant, his Excellency the Governor and suite, with a detachment of troops, embarked on board the steamer Airedale, which left Manukau early this morning for Taranaki.

In order to prevent our Maori friends in various parts of the country from being misled by mere reports, we are anxious to give them correct information respecting the object of his Excellency's present visit to Taranaki, and to caution them against giving credit to any contrary statements which they may hear.

The practice of raising and spreading unfounded reports is not peculiar to the Maori people. Among the Pakehas, as among them, there is no lack of persons more anxious to have something to tell than careful that what they tell shall be true. It is wise, therefore, always to inquire before believing anything heard in this way, and to ascertain upon what authority and from what source it comes.

We have no doubt that the news of the Governor's having gone to Taranaki with the soldiers will be carried far and wide. It will be naturally be asked, for what purpose? And some one will probably reply, to fight with the Maories at Taranaki about the land. Such, however, is not the case. The Governor has gone down to Taranaki, and has taken troops with him, for the purpose of preventing fighting. There will be no fighting unless Wm. King or his people are foolish enough to provoke a quarrel with the soldiers who will be sent to protect the surveyors while surveying a piece of land at the Waitara which has been purchased by the Government from its rightful owners.

William King has said that this land should not be sold. But the land was not his, and he had therefore no right to say this. The land has been sold by Te Teira and others to the Government, and the Queen's money has been paid for it.

If William King had owned part of the land, and he had not been willing that it should be sold, the

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Governor would not have directed that it should be bought, If, again, he had really possessed any authority over Te Teira, and had been able to prevent his offering his land to the Government, the Governor would not have interfered, and the land would not have been bought. Even after the offer of the land, if William King had succeeded in preventing Te Teira from applying for and receiving the payment, no attempt would have been made to take possession.

But after the land had been publicly offered to the Government in William King's presence without any attempt on his part to dispute the title of the parties offering it, and, subsequently, the Queen's money had been received by the undisputed owners in payment for it, what possible ground could Wm. King have for interference? He did interfere, however, and sent back the Queen's surveyors who were directed to mark off this land. We can only suppose that he thought the Governor was not in earnest when he publicly accepted Teira's offer, and promised him that if he could show an indisputable title to the land it would be bought by the Government.

It will now be seen by all that the Governor means to keep his word. And we hope William King will be wise, and give up his obstinate and groundless opposition. At all events, we trust he will not be so ill-advised as to attempt further interference. If otherwise, the blame of what may follow must rest with him. The Governor's word will be made good; the land will be surveyed. If the surveyors are molested, the soldiers must go to protect them. William King must understand that he will not be permitted to interfere with that which does not belong to him. He is at liberty to do as he pleases with his own land, but not with land which is the property of the Queen. And as he is free to do as he pleases with his own land, so was Te Teira free with respect to his land, and the attempt to interfere admits of no justification.

But let it not be said that the Governor is gone with soldiers to Taranaki for the purpose of fighting. He is gone to prevent, if possible, the necessity for fighting. Peace will continue unless it is broken by William King. But it is necessary, for the sake of preventing future misunderstanding and difficulty, that it shall be clearly understood by all,—first, that the Governor will make no promise incompatible with the maintenance of the just rights of any of Her Majesty's subjects in New Zealand, Pakeha or Maori; and, secondly, that he will break no promise which he has once made.

The officer commanding the troops was instructed to confine the operations of the force at Waitara within the bounds of the purchased block. The pas on the block, with the houses they contain, were not to be interfered with by the troops, and payment was to be offered for crops consumed or destroyed. Up to the present time these instructions have been adhered to. Two of the pas have been destroyed, but they were fired by Teira's party, and not by the troops.

The day after the troops reached Waitara a small pa was erected on the block by the opposing natives in a situation commanding the road from New Plymouth to the camp, and some carts carrying supplies for the troops were stopped; but on a firm front being shown by the mounted escort, the carts reached the camp in safety. The same day the pa was evacuated on a summons from the Governor.

On the 13th and 14th March the sellers pointed out the boundaries of the block, which were duly surveyed, and the lines cut; the sellers aiding in the work.

On the night of the 15th March another pa was built by some of the rebel natives within the purchased land, about a mile from the camp, and the war dance was performed by the same party. The following day they proceeded to pull up the survey stakes, and made fires along the line.

On the 17th March the officer commanding sent a written summons to the pa; but the war party refused to receive it, and threatened the messenger. Fire was then opened on the pa, and continued during the day, and on the 18th the pa was evacuated, and occupied by the troops, with the loss of three men wounded, one of whom is since dead.

New Plymouth, March 20, 1860.

Encl. 2 in No. 8.

Enclosure 2 in No. 8.

SIR, Waitara, March 20, 1860.

As hostilities have actually commenced, and the force under my command is far too weak to enable me to protect the various settlements, and keep an adequate one in the field, I have the honour to request your Excellency to be pleased strenuously to urge upon the home authorities the necessity of an augmentation to the force here, in artillery, engineers, and infantry, which (if done promptly) will I have little doubt bring matters to a speedy conclusion, and secure the safety of this fine colony.

I have, &c.

His Excellency the Governor, (Signed) C. E. GOLD.
&c. &c. &c.

Encl. 3 in No. 8.

Enclosure 3 in No. 8.

SIR, New Plymouth, March 20, 1860.

I DEEM it my duty most respectfully and earnestly to bring under the consideration of his Excellency the Governor the inadequate force at my disposal for the proper protection of New Plymouth, threatened as we are with attack from neighbouring tribes, mustering, as is rumoured, some 1,200 men well armed.

I have already pointed out the most assailable points requiring immediate defence, but a glance at the garrison state will show how utterly impossible it will be to keep up the duties by day and night which circumstances render absolutely necessary, and I regret to say that present appearances leave but little hope of any speedy termination to this state of affairs unless, promptly and strongly reinforced.

I am sure his Excellency will exonerate me from any wish unnecessarily to magnify evils; the facts of the case are palpable. We have on three sides of us powerful tribes, who there is reason to believe would combine (should a favourable opportunity offer) for the purpose of trying to re-establish native sovereignty.

I hope I am not travelling out of my proper course in alluding to this question; but I act solely from a sense of duty, and I think I should fail in the proper performance of that duty did I not strongly urge the necessity for a force of at least 1,200 men in this province at the present moment, for the proper protection of the scattered settlements, bearing in mind that if the present disturbances spread this province will in all probability be the ground on which the struggle will commence, and on which it will be longest maintained.

I have, &c.

The Private Secretary,
&c. &c. &c.
New Plymouth.

(Signed) G. F. MURRAY, Brevet Lieutenant Colonel, 65th Regiment.

P.S.—I beg to observe that I have confined myself solely to the subject of the defence of Taranaki, where I have been stationed for upwards of four years. The proper provision for garrisoning New Zealand is beyond my province.

(Signed) G. F. MURRAY.

Enclosure 4 in No. 8.

Encl. 4 in No. 8.

MEMORANDUM.

I HAVE read the letter dated 17th March, addressed to his Excellency the Governor by the Native Secretary, Mr. McLean, in which that officer urges the necessity of an immediate augmentation of the military force in New Zealand.

The leading promoters of the Maori king movement in Waikato and elsewhere assert the national independence of their race, and oppose the further extension of European settlement. They sympathize profoundly with armed resistance to the British Government, more especially with armed resistance to the further cession of territory to the Crown.

It has long been manifest that the first attempt to enforce obedience to the Governor's decision on any question affecting natives might bring the disaffected tribes to the point of open rebellion. Hence the anxious desire, so frequently expressed, of his Excellency and his advisers for an increase of the military and naval forces in New Zealand.

An occasion has now arisen on which it has become necessary to support the Governor's authority by a military force. The issue has been carefully chosen, the particular question being as favourable a one of its class as could have been selected. In the absence of a powerful native party leagued and organized to oppose the sale of land, it could be easily disposed of; but in the present condition of native feeling it cannot be doubted that the state of the colony is critical, and British authority is in jeopardy, simply because it has been boldly asserted.

I therefore entirely concur in the opinion of the Native Secretary, that the military force in this colony should be forthwith augmented to the greatest extent practicable.

(Signed) C. W. RICHMOND.

New Plymouth, March 20, 1860.

Enclosure 5 in No. 8.

Encl. 5 in No. 8.

SIR, Taranaki, March 17, 1860.

FROM the present combination among the native tribes around this settlement, I feel it my duty to report to your Excellency that the present military force is not sufficient for the protection of the place. It is stated on good authority that the Ngatiruanui and Taranaki tribes, mustering twelve hundred warriors, are prepared to make an attack on the town, while William King and his immediate followers, at least three hundred strong, will fight to the last at the Waitara.

Independent of this combination, it is much to be apprehended, now that the natives have buried the hatchet among themselves, and yielded allegiance to King Potatau, that the powerful Waikatos, several thousand strong, and many of the numerous and disaffected tribes of the east coast, in the vicinity of Poverty Bay, may be implicated in the present contest, with a view of asserting their national independence, and throwing off their nominal alleigance to Her Majesty.

These circumstances, together with the manifest symptoms of bad feeling recently displayed by the natives, induces me to urge most respectfully on your Excellency the necessity of obtaining a stronger force without delay for the protection of the English settlements, and for vindicating Her Majesty's sovereignty over the island.

I am of opinion that it would require a force of not less than 5,000 men to defend the various isolated and scattered settlements of the northern island.

I have, &c.

His Excellency the Governor.

(Signed) DONALD MCLEAN,
Native Secretary.

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No. 9.

No. 9.

No. 9. COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 28.)

New Plymouth, New Zealand,
March 30, 1860.
(Received June 12, 1860.)
(Answered No. 40, June 27, 1860, page 260.)

MY LORD DUKE,

HAVING arranged that the steamer from Nelson should call at this post on her way to Australia, I am enabled to forward a report of later date than that sent by the ordinary mail.

On the 24th March I received information that an advanced party of the Taranaki tribe (with whom we have no sort of difference) were about to built a pah four miles distant from the town, in a very formidable position.

It was reported that they were determined to destroy the Europeans, root and branch, and considered themselves able to do so.

The garrison of the town being exceedingly weak, I communicated with Colonel Gold, who was then at the Waitara in an entrenched camp, with 400 men.

Colonel Gold received my letter at a little after 4 p.m., and with great promptitude marched at once with half his force into the town, which he reached at 10½ p.m.

As soon as I heard of his appearance, I prepared guides and information to enable him, should he think proper, to make a sudden attack upon this party, which had only reached their present ground at noon on the same day.

Colonel Gold assented, and a party went out for that purpose, but failed in attaining their object, the natives having retired into the bush.

On 26th March a report reached me that the Taranaki and Ngatiruanui tribes were coming up with all their force to attack the town, stating that they had no intention of joining W. King, who has declared he will not make war on the unarmed people, but that they should act for themselves.

Your Grace will observe that these tribes come from the south of New Plymouth, and that we have had no difference or disagreement with them. W. King, on the other hand, lives on the north, so that the town is between the two hostile forces.

On 27th March three settlers and two boys, who had gone into the country to look after cattle, were savagely murdered, and on the morning of 28th these tribes came close to our stockade at Omata (four miles south of the town), danced the war dance, and fired some shots at it. They were reported to have taken up a strong position between the block-house and the town. They had also built two pahs; one of which was close above the block-house occupied by the settlers, who were uneasy at their situation.

Colonel Gold therefore organized a force for the purpose of relieving the block-house, and bringing in a settler's family, who unwisely remained in the country.

At two o'clock the force left the town by two roads; the volunteers took the road by the sea, and were attacked by the natives almost immediately. A reinforcement of sailors was sent out, and a heavy fire kept up whilst daylight lasted. Just before dark Captain Cracroft captured the Maori pah, with his sailors, most gallantly; after which, the force returned to town.

Colonel Gold will give details and full particulars of what took place; but my object is to keep your Grace acquainted with events as they have occurred, and to draw your attention to the fact that five unoffending people, two of them boys, have been barbarously murdered, and we have been attacked by tribes who have nothing whatever to do with the disagreement between W. King and the Government.

From this it is evident that other combinations may be made against us, and that a trial of strength between the two races will take place, unless I am able to prevent the junction of the powerful tribes living on the Waikato and their allies with those now in arms against us. This, however, I hope to be able to do.

On the 28th the natives, though occupying a very difficult country, did not confine themselves to the dense bush, and their numbers were estimated at 460, while ours reached 330 to 350 men. The fight, however, was well maintained, and their loss is known to have been very considerable.

In the course of the next day they retired to their pahs.

These pahs being on the sea shore, twenty-five miles south of the town, I requested Captain Cracroft to batter them from the "Niger," which he did with good effect on 30th March.

The foregoing details will satisfy your Grace that the Maories are more formidable than most other savage races with which we have yet been engaged; and I beg to submit to you that three strong regiments, bringing into the field at least 3,000 rank and file, should be sent to the colony with the least possible delay. One regiment should be divided between Auckland and Wellington, and the remaining two should be ordered direct to New Plymouth.

If the Waikato tribes and their allies unite against us, this force, together with what we now have, will not be at all more than sufficient; but if I am fortunate enough to prevent such a coalition, as I trust I may be, the 65th Regiment, which has long since exceeded the usual time of service in the colonies, might be withdrawn, and any reinforcements received from Australia sent back to those colonies.

The remaining 3,000 men will be required for a considerable time, to ensure peace, and prevent the destruction of life and property elsewhere, which has commenced in this province.

Finally, I have to inform your Grace that the provincial authorities are making arrangements to send away as many women and children as possible to Nelson, as they look forward to protracted troubles.

I have obtained from Nelson a small steamer, able to enter the Waitara river, and keep up a communication with the detachment stationed there, which is no longer possible by land.

The garrison being now quite strong enough to protect the town, my presence here is no longer necessary, and I propose to return to Auckland, where I can more easily communicate with the Waikato tribes, and those friendly tribes in the north on whom alone I can put any dependence for support, should it be required.

From thence I shall proceed to Wellington, to meet the Assembly, which, as there is no immediate prospect of tranquillity, ought not to be again prorogued; indeed, the sanction of this body to certain necessary expenses is very desirable.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE, Governor.

No. 10.

Copy of DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(No. 29.)

New Plymouth, New Zealand,
March 31, 1860.

(Received June 12, 1860.)

(Answered No. 40, June 27, 1860, page 260.)

My Lord Duke,

I have the honour to forward a report from Colonel Gold, commanding the troops in New Zealand, detailing the operations which took place on 28th March, to which I have added a further report from Captain Cracroft, relative to the operations of H.M.S. "Niger" on 30th March.

The conduct of Her Majesty's navy and army is so invariably gallant, that any comment from me would be superfluous; but I beg to bring to your Grace's notice the gallant conduct of the militia and volunteers, who were for the first time engaged. Their opponents behaved like brave and skilful soldiers, and are by no means a contemptible foe.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE, Governor.

Enclosure in No. 10.

Sir,

New Plymouth, March 30, 1860.

I have the honour to forward reports from Captain Cracroft, R.N., H.M.S. "Niger," commanding on this station, Lieut.-Colonel Murray, 65th Regiment, and Captain Browne of the Taranaki Militia, relative to their most gallant and successful attack on the insurgents at Omata on the 28th instant. I sincerely congratulate your Excellency on the achievement, which redounds to the honour of the small force, all that (with safety to this town) I was then enabled to detach, and whose exertions and bravery have effected the object for which I originally sent them (though in a different manner

NEW ZEALAND.

from what I contemplated), as the complete defeat of the rebels enabled the Reverend Mr. Brown and the party isolated beyond Omata to return in safety to this town.

I beg, in conclusion, to recommend to your favourable consideration the officers of militia and volunteers particularly named by Captain Brown.

I have, &c.
(Signed) C. E. GOLD, Colonel
Commanding Forces in New Zealand.

His Excellency Colonel Gore Browne, C.B.,
Governor, New Zealand,
&c. &c.

H.M. Steam Ship "Niger," New Plymouth,
March 28, 1860.

SIR,

IN compliance with your requisition, I landed the force noted in the margin at 2 P.M. this day; and at your request that I should advance to the support of Colonel Murray, who was represented to be hard pressed by the natives, and short of ammunition, I proceeded to the Omata block-house, from which post I was enabled to obtain a good view of the country, and of a pah constructed on the crown of the hill about a mile beyond, which displayed flags, and from which a continual fire of musketry was kept up upon Colonel Murray's force on my right, with whom I immediately communicated.

Lieutenant A. J. Villiers.
Mr. W. W. Smyth, Act^{g} Mate.
Mr. S. Gassiot, Midshipman.
Mr. Karslake, Midshipman.
Dr. W. Patrick, Surgeon.
Mr. W. H. Hyde, Assist. Paymaster.

Officers - -	7
Seamen - -	43
Marines - -	10
Total -	60

And a 24-pr. rocket tube.

It was now about half past 5, and as there was only half an hour's daylight left, I determined to attack this pah at once. Accordingly I planted the 24-pr. rocket tube abopt 700 yards from it, and after a few discharges the men stormed the pah, under a heavy fire, in the most gallant style; William Odgers, leading seaman, doing duty as my coxswain, being the first man in it; and having captured the flags, and destroyed everything living in the trenches, as far as could be ascertained in the dark, I returned to the block-house.

In performing this service I am thankful to say that there were only four men wounded, which may be in some measure accounted for by the rapidity of the attack, taking the enemy completely by surprise, and giving no time for the usual Maori tactics, while the increasing darkness also favoured our small force, and prevented a good aim being taken by their sharpshooters.

It is difficult to estimate the numbers opposed to us, nor could their exact loss be ascertained. Sixteen dead were counted inside the intrenchment, and several were lying in the road outside. After a short rest at the block-house, I returned to town, placed the wounded in the military hospital, and re-embarked my men, as I did not consider the ship safe without them at this exposed anchorage.

F. Mace.
E. Messenger.
C. Messenger.

I cannot speak too highly of the conduct of all engaged in this affair; and I should wish to recommend to your notice three of the volunteers, who accompanied me from the block-house, and pointed out the road to the pah.

I beg to enclose for your information the surgeon's return of casualties.

I have, &c.
(Signed) P. CRACROFT,
Captain and Senior Officer at New Zealand.

The Honourable Colonel Gold,
commanding the Forces in New Zealand.

SIR,

New Plymouth, March 30, 1860.

I HAVE the honour to report, for the information of the officer commanding the forces in New Zealand, that on the 28th instant I proceeded, agreeably to orders, in command of a force (as per margin) to Omata, for the purpose of rescuing some European families stated to be in the hands of rebel natives assembled in considerable force at that village.

ROYAL NAVY.
3 Officers and 25 men.

65th REGIMENT.
4 Officers and 84 rank and file.

MILITIA and VOLUNTEER RIFLES.
No detail received.
About 160.

NAMES of OFFICERS.
Lt. Urquhart, 65th Regiment.
Lt. Whitbread, 65th Regiment.
Surgeon White, 65th Regiment.

The plan of operation was, that Captain Charles Brown, in command of the militia and volunteers, should proceed by the beach, keeping the sea coast, and passing in rear of the natives, who had built a pah on the Waireka hill, whilst I should proceed by the main road, with a view to dislodge a party of rebels reported to have taken up a position at a spot called Whaler's Gate, for the purpose of cutting off the communication between Omata and the town; in the meantime Captain Brown, should he succeed in recovering the European families, was to join me at or near this spot. On reaching the place named, I found the road clear, and no trace of natives anywhere near. I accordingly moved on leisurely, with a view to sooner meeting Captain Brown; but on reaching the top of a hill about a quarter of a mile on this side of the Omata stockade the sound of rapid firing about two miles off, and towards the sea, made it evident that the volunteers were hotly engaged. I accordingly pushed on to the stockade, where I despatched Lieutenant Blake, R.N., with his men, supported by a subdivision of the company, 65th Regiment, under Lieutenant Urquhart, with orders to proceed in a direct line to the assistance of Captain Brown's party, whilst I continued along the road, with the remainder of the force, to a lane about a quarter of a mile beyond the stockade, which leads from the road down to the sea. About half way down this lane I turned into the fields, and formed line of skirmishers, with the intention also of proceeding to the assistance of the volunteers, &c. The rebels, however, showed such a disposition to get round our left, and so cut us off from the main road, that I was obliged to abandon that intention, and manœuvre to prevent it; keeping up a fire, whenever they gave us an opportunity, as they were covered by a wood and deep ravine, out of which we attempted to dislodge them with rockets. I ultimately took up a position in the lane, so as to secure the main road; and the natives, seeing us retire, came down through the wood and ravine, but such an effective fire was kept up wherever they showed themselves that they retired to the bush again. Considering my force, however, too small to keep our communication open, should they attack us in force, I recalled Lieutenant Blake's party and Lieutenant Urquhart's, particularly as the day was far advanced, and my orders were to return by dark. I continued to occupy this position until it became absolutely necessary to return, keeping up a frequent fire of rockets on the pah, and any groups of rebels we observed. It became

Day & Son Lith.rs to the Queen

necessary, however, to detach Lieutenant Urquhart a second time to drive back the rebels, who were attempting to get up on our right, and between us and the volunteers; which having accomplished he rejoined me in time to return. I beg to add that nothing I can say would adequately describe the steadiness and gallantry of both officers and men composing my little force; and I have but one regret, in reporting that I was early deprived of the very able assistance of Lieutenant Blake, R.N., of H.M.S. "Niger," who was severely wounded.

I enclose returns of casualties. I have received no report of Captain Brown's proceedings, who was too far off for observation, apparently in a gully, with the natives above him.

I have, &c.

The Major of Brigade, Taranaki. (Signed) G. F. MURRAY,
Brevet Lieut.-Colonel, 65th Regiment,
commanding Expedition.

SIR, Militia Office, March 30, 1860.

I HAVE the honour herewith to enclose, for the information of the Honourable Colonel Gold, commanding the forces, Captain Brown's despatch, dated 29th instant, giving a full and detailed account of the expedition of militia and volunteers under his command on the 28th instant.

I have, &c.

Captain Paul, Major of Brigade, &c. &c. &c. (Signed) CHAS. HERBERT,
Major commanding Militia.

SIR, New Plymouth, March 29, 1860.

I HAVE the honour to report what took place yesterday, from the period when I left the town with the force under my command at half past one p.m., until I returned at about half past twelve this morning.

The officers and men who accompanied me were—

Captain and Adjutant Stapp, Militia
Captain H. A. Atkinson, Volunteer Rifles.
Lieutenant M'Keckney, Militia.
Lieutenant M'Keller, Militia.
Lieutenant Hurst, Volunteer Rifles.
Lieutenant Hammerton, Volunteer Rifles.
2d Lieutenant Webster, Volunteer Rifles.
2d Lieutenant Jonas, Volunteer Rifles.
Ensign Messenger, Militia.
Rank and Militia, 52.
Volunteer Rifles, 98.

After a quick march of about two hours, we reached the stream Waireka, where it runs on to the beach. We here perceived that the natives were rapidly running down from their pah about a mile off on the Waireka hill to meet us. We were, however, able to get into position without difficulty on the high land in the following manner, under Captain Stapp's directions:—

A company of volunteers under Captain Atkinson were thrown forward, and reached the high ground on the south side of the Waireka, driving back the natives; but greater numbers of the enemy coming on both flanks, Captain Stapp, who had joined, and taken command, ordered a retreat on position No. 1., shown in the enclosed tracing made by the Provincial Surveyor, the position consisting of a house, stacks, and furze, and rail fences, on level ground, on the brink of two gullies running out on the beach. From this point Captain Atkinson was moved into No. 2., to cover the rear of the main body. Lieutenant Hurst with his company occupied No. 3., and was joined by Lieutenant M'Keckney and myself, when I pushed Lieutenant Hurst forward, to endeavour to occupy the bush in the Waireka gully, into cover of which the natives were swarming, and followed myself.

Lieutenant Blake, R.N., with a party of the Niger's men, having, however, thrown themselves in advance by another route, I directed Lieutenant Hurst to turn his attention to the natives in the lower and open part of the Waireka gully, whence they were annoying Captain Atkinson's party as well as our own. Lieutenant Hurst, having done some execution, passed across the gully by No. 2. to Captain Stapp at No. 1. The natives soon made us aware that they possessed pieces of long range, against which our muskets were of no use, and I had to fall back on the scanty cover at No. 3., where I had not been long when Lieutenant Urquhart, 65th Regiment, with some 25 men, joined me, as also some stragglers of the Naval Brigade, and some volunteers from the Omata stockade, under Lieutenant Armstrong, Militia, and Lieutenant M'Naghten, R.A. With their gallant assistance, we drove the natives out of sight into a straggling and slight line of cover in the gully that runs into the Waireka; and as I perceived the intention of the natives was to intercept our line of retreat to the Omata stockade, by occupying the cover of flax between Nos. 3 and 4., I requested Lieutenant Urquhart to leave me a few men, and with the remainder occupy No. 4., thus placing the natives creeping along the gully between two fires, and securing our communication with the Omata stockade. To my surprise and regret, Lieutenant Urquhart had not many minutes occupied No. 4. before I saw him and his men retire, recalled, as I am informed, by Colonel Murray, by his orders. The position commanded my own; was uncommanded by any other; had open and level country between it and the Omata stockade, and had excellent cover of flax at the edge of the position to seaward. When the natives saw them retire, they called out "ka-how:" "kahow," they are routed, and boldly ran along the open part of the gully to the cover on the north side of the Waireka, bringing themselves under the murderous fire of Captain Atkinson; which dropped them in twos and threes about the ground. At this time, finding my position untenable, and valueless to the natives, I ordered our wounded and dead to be carried to Captain Stapp's position. These consisted of one of the marines of H.M.S. ship "Niger," wounded in the head, and since dead; one militiaman shot through the neck; and Sergeant Fahey, of the stockade at Omata, shot

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dead. The first and last were shot by the same native, who was himself shot by Mr. P. Wilson, with a fowling-piece.

I then sent my men to join Captain Stapp; and conferring with him, when I saw the extensive defences we should have to defend at this place, and their weak nature, I was of opinion the whole force should be concentrated at No. 1. Captain Stapp, and Captain Atkinson differed from me, and considered that No. 2. ought to be maintained to the last. I gave way to their opinions, and am happy to say their judgment proved correct, as Captain Atkinson, from his position, killed at least two thirds of the natives that were killed. We then proceeded at No. 1. to make our position defensible, by throwing up breastworks of sheaves of oats and fencing, so as to enable us to enfilade our position. While thus employed we became aware of the diversion effected in our favour by the attack on the pah by Captain Cracroft, R.N., and his Naval Brigade, and which I consider enabled us to retreat after dark unmolested. Had my men been concentrated at No. 1. I would have endeavoured to ascertain what had taken place at the pah, with a view of joining Captain Cracroft; but, under the circumstances, very few charges of ammunition being left, and believing that the retreat for our wounded by No. 4., the shortest route, would be open after dusk, in consequence of the diversion effected, I determined to remain in our positions till the moon had set, when Captain Stapp took charge of the advance to No. 4., followed by the wounded, and thence on to the Omata stockade.

I told off the men by fours, and marched from No. 1., one four just keeping another in sight. When the last four had left No. 1. I went to Captain Atkinson, and directed him to follow with his men, and eight men of the 65th, who had been left with us, and who did us gallant service, as did the three men from the Naval Brigade, and the party from the garrison of the Omata stockade.

After a short rest at the Omata stockade, and reinforcing that post with 20 men, we resumed our march to town, passing the Whalers' Gate without seeing anything of the support, which, according to my instructions, I was to expect there. We reached town unmolested at about 12½ A.M., bringing with us all the dead and all the wounded, but two, who were left at the stockade.

Where every one behaved so well, it would be invidious, not to say impossible, to recommend any individual, officers or men, for particular notice. I will therefore limit myself to commending the gallantry and coolness of Captains Stapp and Atkinson, of Lieutenant Urquhart, 65th, and of Private Hinch of the Volunteers, who shot two natives after he had himself received a wound across his chest. The casualties are as follows in my detachment:—

Killed.
Sergeant Fahey, Militia.

Wounded.
Lieutenant Hammerton, Volunteer Rifles.
Private W. Bayley, jun., Militia.
Private J. Climo, Militia.
Private J. Hawkin, Volunteer Rifles.
Private Hinch, Volunteer Rifles.
Private Messenger, Volunteer Rifles.
Private W. Oliver, Militia.
Private Rawson, Volunteer Rifles.

I am happy to state that the wounded, although not all out of danger, are all doing well.
I have carefully estimated the number of the enemy killed at not less than thirty, besides wounded.

I have, &c.
(Signed) CHAS. BROWN,
Senior Captain, Taranaki Militia.

Major Herbert,
Commanding Militia and Volunteers,
Taranaki.

LIST of Casualties in the Naval Brigade at the Attack and Capture of the Maori Pah at Omata on the 28th March 1860.

Names.	Rank.	Nature of Casualties.
Lieutenant W. H. Blake - -	Senior Lieutenant - -	Dangerously in the chest.
Thomas Millard - - -	Private Royal Marines -	Missing, said to be dead.

(Signed) R. C. P. LAURENSON,
Assist. Surgeon, R.N.

Lieut.-Colonel Murray,
65th Regiment.

LIST of Casualties in that Portion of the Naval Brigade and 65th Regiment under the Orders of Lieut.-Colonel Murray, 65th Regiment, on the 28th March 1860.

Rank and Name.	Nature of Casualty.
J. W. Blake, 1st Lieutenant H.M's Ship - -	Gunshot wound in chest, dangerously.
Private Burnes, 65th Regiment - - -	Gunshot wound in breast and arm.
Private Millard, Marine - - -	Shot through the head, dead.

(Signed) T. ESMONDE WHITE, M.D.
Surgeon, 65th Regiment.

LIST of Casualties of the Detachments of Militia and Volunteers under the Orders of Captain C. Brown, Militia, on the 28th March 1860.

Rank and Name.	Nature of Casualty.
Lieutenant Hammerton, Volunteer Rifles	Flesh wound of the knee, doing well.
Serjeant Fahy, Militia	Ball through the head, dead.
Private W. Bayley, junior, Militia	Rifle ball in left shoulder, doing well.
Private J. Clims, Militia	Ball through muscles of abdomen, doing well.
Private Hawkins, Volunteer Rifles	Ball through left buttock, doing well.
Private P. Inch, Volunteer Rifles	Flesh wound of chest (rifle ball), doing well.
Private Messenger, Volunteer Rifles	Rifle ball through point of elbow, doing well.
Private Rawson, Volunteer Rifles	Ball through right thigh, with fractured bone, not out of danger, but improving.

(Signed) T. G. RAWSON, M.D.

LIST of Casualties in the Naval Brigade at the Attack and Capture of the Maori Pah on the 28th March 1860.

Names.	Rank.	Character of Casualty.
Robert Glanville	Captain Foretop	Severely in the leg.
George Towzer	Ordinary Seaman	Severely through the thigh.
William Palmer	Private Marine	Severely in the knee.
William Clarke	Private Marine	Severely in the knee.

(Signed) W. PATRICK, Surgeon.
(Signed) P. CRACROFT.

SIR, Her Majesty's Ship "Niger," Taranaki, March 30, 1860.

IN compliance with your Excellency's wishes, received at 3h. 30m. this morning, I proceeded immediately to sea, and about 8h. a.m. arrived off the Warea Pah.

This pah or pahs, for there appeared to be two, surrounded by stockades, stand almost on the beach, close to the entrance of a very small stream only navigable for canoes. The coast in the vicinity is fringed with rocks and reefs projecting a considerable distance to seaward, upon which the sea breaks violently. It has never been surveyed, and I found the bottom everywhere foul.

Although it was doubtful whether an anchor would hold long in the heavy sea running, I soon saw that it would be impossible to shell the pahs without anchoring, and about 9h. a.m. the ship was skilfully placed by Mr. Veitch, the master, in a position about 2,500 yards off, as near as it was possible to go with regard to her safety.

During this interval the natives showed in great numbers in one of the pahs, and discharged their muskets at the ship in token of defiance; they did not hoist any flags.

Shortly after 9h. a.m., I opened fire from the guns and 24-pr. rockets, and, considering the circumstances, most admirable practice was made. Many shells exploded inside the pahs, and must have done much damage; but although more than one rocket fell within the stockades, I failed to set them on fire, and could only most deeply regret that the tremendous surf which broke occasionally even outside the ship prevented any attempts to land, and complete the task your Excellency had set me; but it was impossible to do more, and the natives having long disappeared, I weighed before noon, and returned to this anchorage.

I have, &c.
(Signed) P. CRACROFT,
Captain and Senior Officer in New Zealand.

His Excellency
Colonel Thomas Gore Browne, C.B.,
Governor of New Zealand,
&c. &c. &c.

No. 11.

No. 11.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE of NEWCASTLE.

(No. 33.)

Government House, Auckland, New Zealand,
April 23, 1860.
(Received July 12, 1860.)

MY LORD DUKE,

I HAVE the honour to forward copy of a letter I have received from the Major General commanding on the Australian station, detailing the reinforcement he has directed

NEW ZEALAND.

to be sent to this colony, and I have to inform your Grace that the troops from Sydney and Melbourne have arrived at Taranaki.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE, Governor.

Encl. in No. 11.

Enclosure in No. 11.

Head Quarters, Melbourne, 7 April 1860.

SIR,

I HAVE the honour to acquaint you, that, consequent upon a telegraphic message from the Governor of New South Wales, it has been decided to send to your Government, as a reinforcement, a detail of troops from Sydney as per margin. A copy of the instructions sent to the officer commanding the troops in New South Wales is enclosed; and it will be observed that a rather large supply of ammunition has been sent, in case it might be required for your volunteers or others. A supply of provisions for one month has also been directed, to prevent any untoward circumstances on the arrival of the troops at Taranaki.

12th REGIMENT.
1 Captain.
2 Subaltern.
125 Rank and file.

ROYAL ARTILLERY.
1 Officer.
40 Rank and file.
6 do.
1 Assist. Surgeon.
1 D. A. C. General.

In addition to this, a detail of the 40th Regiment, as per margin, is under orders to proceed to Melbourne to Taranaki, as soon as a steamer can be procured. They will be equipped in the same manner in every way as the troops from Sydney, and I will send with them two 24 lb. howitzers (brass), complete in everything, including ammunition, which I conclude will be found very useful against pahs; but the despatch of the guns must depend upon the steamer "City of Hobart" being taken up for the troops at Hobart Town, where the guns are. A telegraphic message to this effect has been sent to the Governor of Tasmania.

H.M.S.S. "Pelorus" will also bring 100,000 rounds of Enfield ammunition, for the use of the party of the 40th Regiment and I have handed over 20 tents to Captain Seymour, for the use of the sailors, if landed.

I have, &c.

His Excellency Colonel Gore Browne, C.B., Governor and Commander in Chief, &c. &c. &c.

(Signed) F. S. PRATT, Major General Commanding.

No. 12.

No. 12.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE of NEWCASTLE.

(No. 35.)

Government House, Auckland, New Zealand, April 24, 1860.

(Received July 12, 1860.)

MY LORD DUKE,

(Answered No. 48, July 26, 1860, p. 261.)

* Page 24.

IN continuance of my Despatch, No. 28,* of the 30th March, I have the honour to inform your Grace, that as soon as I was satisfied of the safety of the town of New Plymouth I sailed in H.M.S.S. "Niger" for Auckland, and on my arrival lost no time in sending agents (whose proceedings will form the subject of another despatch) to the Waikato, to correct false reports, and in concerting with Colonel Mould, the Commanding Royal Engineer, the means of placing the town of Auckland in condition to be defended. Reports of an intended attack upon Auckland by the powerful tribes on the Waikato had caused a panic as general and extreme as it was groundless. This was, however, somewhat allayed by a letter (Enclosure No. 1) which I addressed to the superintendent, and by news from the Waikato, giving assurances of continued goodwill from the chiefs in that district.

2. These fears were scarcely dissipated when it was reported to me that friendly natives were insulted in the town; that a canoe with a large number of natives, passing one of the pensioner villages, narrowly escaped being fired into; and that the natives, friendly and unfriendly, were viewed with a feeling so bitter that unless something was done to prevent it collision would be inevitable, and the whole native population would be in arms against us. I therefore published a notification, copy of which is enclosed (No. 2.)

3. I have also the honour to enclose two sketches of the town and district of Auckland, and beg to inform your Grace that in consultation with Colonel Mould I have made the following arrangements, the object of which is to make Auckland as secure as it is in my power to do against any probable contingency.

The town is divided into five districts, each of which is to furnish a company of militia. Those who have arms of their own will form an inlying picket, and the remainder will be required to ballot for such arms as the Government is able to supply. At present we can furnish 60 stand of arms to each company; but we hope to obtain more from Sydney.

R I V E R

SCALE

20 Chains to One Inch .

W A I T E M A T A

COMMERCIAL BAY

SOME'S BAY

EEMAN'S BAY

ALBERT BARRACKS

AUCKLAND

Block House

Block House

Stockade

Block House

Block House

Block House

DOMAIN

Block House

St. Stephen's School

HOBSON'S BAY

Bishop's House

Kinder's House

SKETCH

Shewing

THE PROPOSED POSITIONS

FOR

DEFENSIBLE WORKS,

ROUND

Auckland.

Ind: R: Mould Col
Commg. Roy.l Engrs.
7 April 1860

Day & Son Lith.rs to the Queen

In addition to the militia, a volunteer force of nearly 400 men, a mounted volunteer troop of about 43 men, 110 of the 65th Regiment, and 40 marines, will form the garrison of the town. Block-houses, or houses rendered musket proof, will be established round the town, as shown in the sketch marked A, and H.M. frigate "Iris" is now anchored in the harbour.

4. The outer defences are as follows: H.M. steam frigate "Niger," attended by a gun boat furnished by the local Government, is anchored in the Manukau. Lieutenant Colonel Kenny, lately in command of the New Zealand pensioner force, has been placed in command of the settlement of Onehunga, and has been directed to protect the Whau portage and river, which forms the western boundary of the peninsula on which Auckland stands, and at the portage itself a block-house is in course of erection. This, however, will be the weakest part of the defence.

Lieutenant Colonel Nixon, formerly major in the 39th Regiment, has been placed in command of the pensioner settlements of Otahuhu, Panmure, and Howick, and has been directed to protect the line of the Tamaki from the Waitemate to the Manukau. A block-house is in course of erection on the narrow neck of land leading to the village of Otahuhu.

Five hundred stand of arms (including carbines for a mounted force) have been supplied to this outpost, and three hundred to the outpost on the west. When a further supply of arms is received from Sydney an addition will be made to both these numbers.

5. The settlers at Papakura have enrolled themselves, and form a troop of volunteer yeomanry. Those at Wainku place much dependence on the native chief Katipu, who professes great personal friendship to myself. It is beyond our power, however, to protect either of these settlements if a conflict really ensues.

6. The Europeans living at Whangaroa (or Raglan) and Kawhia, on the west coast, and straggling settlers on the Waikato, have been in a great state of alarm, many of them having abandoned their homes and come into Auckland.

7. To the north of Auckland there has been but little apprehension, and the settlers at Wangarei only have desired to form themselves into a volunteer corps.

8. At Wellington and Whanganui the natives are as yet apparently very well affected towards the Government, and at Napier no fears have been expressed, though less confidence is felt in the natives of that district.

9. Thus, my Lord Duke, I have, I believe, adopted every precaution in my power, and put in requisition every means of defence. I shall be guided by events as they become developed, and shall not fail to report on them in detail.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE, Governor.

P.S.—Since writing the above I regret I find that no arms can be purchased at Sydney.

T. G.B.

Enclosure 1 in No. 12.

Encl. 1 in No. 12.

The Governor to the Superintendent of Auckland.

Superintendent's Office, Auckland, April 6, 1860.

The following communication, received from his Excellency the Governor, is published for general information.

J. Williamson, Superintendent.

Sir, Government House, Auckland, April 6, 1860.

Learning from yourself and others that unfounded rumours have been circulated, and many persons, both in town and country, have been unnecessarily alarmed, I beg the favour of you to contradict these reports.

Incorrect accounts of the difference between the Government and William King have been industriously spread in the Waikato districts, and some part of the Maori population in these districts are at this moment considerably excited at what they consider an aggression on the part of the Europeans.

A gentleman from the Native office has been sent to the Waikato to correct these misrepresentations, and I have every reason to believe that he will succeed in satisfying the chiefs and the most influential portion of the Maoris that they have been misinformed.

It may also be satisfactory to you to know that every military precaution has been adopted which could be taken if danger really existed, and I have pleasure in assuring you that the town and district of Auckland is perfectly secure against any attack which could be made by the largest force the Maoris could bring into the field.

I have, &c.

His Honour the Superintendent, Auckland.

T. Gore Browne.

NEW ZEALAND.

Encl. 2 in No. 12.

Enclosure 2 in No 12.

PUBLIC NOTICE.

FRIENDLY natives, visiting the town, complain that during the last few days they have been treated with marked rudeness by the Europeans, and are frequently told that they will be turned out, and no longer permitted to carry on their trade as heretofore.

His Excellency is satisfied that it is only necessary to call public attention to the subject to ensure friendly treatment for individuals of the native race.

By his Excellency's command,

HENRY JOHN TANCRED.

No. 13.

No. 13.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the Duke of NEWCASTLE.

Government House, Auckland, New Zealand.
April 25, 1860.
(Received July 12, 1860.)
(Answered No. 52, August 18, 1860, page 263.)

(No. 36.)

MY LORD DUKE,

I HAVE the honour to inform you, that at my request Captain Cracroft, the senior naval officer on this station, has authorized the Commander of H.M.S. "Elk" to place at the disposal of the New Zealand Government, for colonial purposes, four 25 cwt. 32-pounder guns.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE, Governor.

No. 14.

No. 14.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the Duke of NEWCASTLE.

Government House, Auckland, New Zealand,
April 27, 1860.
(Received July 12, 1860.)
(Answered, No. 48, July 26, 1860, page 261.)

(No. 39.)

MY LORD DUKE,

* Page 30.

IN my Despatch, No. 35,* of the 24th instant, I informed your Grace that immediately on my return to Auckland I sent agents to the Waikato district, for the purpose of conveying correct information respecting recent occurrences at Taranaki (of which the chiefs had received various false statements and garbled reports), and to ascertain the views of the Waikato chiefs with reference to the whole question.

2. It may be first necessary that I should inform your Grace that the agitation for a Maori King took a definitive form about the year 1856 (though it had its origin at a much earlier date); that I treated it with silent indifference, trusting in the assurances of all who profess to be well acquainted with the Maori character, that after a time, it would, if unopposed, die a natural death (see my despatches on this subject passim). I was the more inclined to put faith in these assurances, because Potatau, the king elect, has always been a faithful ally of the Government, and he assured me that no harm should ever come of the movement.

For a long time there was every reason to believe that these prophecies were likely to be fulfilled, but in July 1859 the inhabitants of Wellington were alarmed by a threatened attack from the natives. It then appeared (as explained in my Despatch, No. 65, of 22d August 1859,) that the fears of the Maoris had been excited by some disaffected Europeans, who assured them that the settlers were meditating their destruction. I have since learnt that malicious reports to this effect had been spread from other centres, and circulated very generally among the Maoris; and though several chiefs communicated frankly with the Government on the subject, the falsehood appears to have taken deep root.

3. From that time the King movement, of which the chief feature is a desire for union and a separate nationality, revived and advanced with rapid strides. The agitation has been carried on with great energy and some secrecy. Emissaries have been sent in every direction to make proselytes; deputations have been received in some state; two tribes unconnected with the Waikatos have tendered their allegiance, and presented their lands to the league, of which the king is the nominal head; great exertions have been made to obtain similar adhesions from other tribes; the king's council openly assume the right to decide on the justice of my proceedings, and consider whether or not they will aid a chief in rebellion against Her Majesty's Government. A large sum has been subscribed and given to a disaffected European for a printing press to be conducted by him. A flag has been designed and hoisted at the king's residence, and an abortive attempt was made at Kawhia to levy customs in the king's name. Under these circumstances, the dispute at Taranaki sinks into insignificance. Indeed it is evident that unless William King had calculated on support from this powerful confederation, he would never have presumed to offer resistance or set up a claim so entirely without foundation. I must therefore consider that the question at issue is one which affects Her Majesty's sovereignty over the islands of New Zealand, and nothing else. It is quite true that this sovereignty, as relates to the Maoris, has always been more nominal than real; but it is now evident that the Maoris desire a separate nationality and union, in order that they may exert a real sovereignty, the existence of which would be incompatible even with that very mild and imperfect exercise of authority which has been hitherto maintained, and could not fail to bring a collision between the races.

Your Grace will observe that, though this movement has been long in gestation, it is only very recently that it has made such rapid strides, and I cannot but think the occurrences at Taranaki fortunate, because, to use the expression adopted at the King meeting, "it has led to the discovery of the pah before the builders have had time to complete it."

4. The enclosures will convey to your Grace a graphic account of the meeting at Ngaruawhia. At the interview Mr. Smith then had with the chief Potatau, he was unable to obtain any decisive expression of opinion; it appears, however, that a chief named William Tako, who is one of the most active agitators in favour of the King movement, had been sent to Taranaki, to inquire and report to Potatau and his council on the justice of William King's claim. Of this chief, Archdeacon Hadfield, in a letter to me, dated 8th September 1859, says, "This" (feeling of discontent) "has, I believe, "been produced chiefly by William Tako, a man of considerable ability, but whom I "have never liked or trusted, who, being well informed, has endeavoured to accumulate "every grievance he can hear of, and by presenting them in one view to draw a conclusion unfavourable to the Government."

W. Tako's report is enclosed. He informs the council that he had "ascertained the "causes of this war. I send you the truth, which is this:—Friends, the sin" (the proper translation is "the wrong,") "is William King's. Don't you look towards the "foolish work of this land."

I attach also the report of a speech made by Potatau to his chiefs after the departure of Mr. Smith from Ngaruawhia, when he dismissed the emissaries from the Taranaki and Ngatiruanui tribes, and forbad his people to assist them.

5. Thus stands the matter at present; but it is well known that Potatau, who is blind with age and very infirm, represents only the most moderate of the King party, and that his power to control those who advocate war, and a return to indiscriminate slaughter in prosecuting it, is very uncertain.

6. A large meeting of the Waikato tribes, and those who sympathise with them, will be held in a few days at Ngaruawhia, when the subject of peace and war is to be discussed. I shall of course take care to have agents on the Waikato; and the Bishop of New Zealand has, at my request, consented to attend the meeting, where he will be likely to have more influence and obtain correct information than any directly accredited agent.

What may be the result of this meeting it is impossible to predict, but I have made every preparation in my power (as explained in my Despatch, No. 35,* of 24th April) to meet any contingency.

* Page 30.

I have also invited all the chiefs of importance in New Zealand, to the number of one hundred and twenty (excepting only some few who openly refuse to recognize Her

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Majesty's sovereignty) to meet me at Auckland on the 2d July next. I look forward to this meeting as a means of bringing to light any secret causes of discontent, and in the hope that some plan may be devised which will place our relations with the native tribes on a firmer and more satisfactory footing than they have yet been.

It might be asked why a meeting of chiefs has not been called long ere this, but I can only reply that it would not be in my power to call such a meeting even now, had not my responsible advisers, seeing the critical position of the country, agreed to incur the expense, which is estimated at 3,000*l.*, and recommend the Assembly to sanction it.

7. It will be seen that there is a party on the Waikato who are decidedly inimical to the Europeans as a race, and desire war, with or without a cause. I am, however, inclined to believe that they are in the minority, and will be restrained by those who are wiser. On the other hand, it is impossible to foretell what effect any untoward event, or particularly warlike speech, may have on so excitable a people. I believe also that though the great majority of the King party entertain no ill-will towards the Europeans, they would (if their party had been sufficiently consolidated) have taken up a position towards the Queen's Government which would necessarily have led to collision, unless we had been prepared to submit entirely to their dictation, or, in other words, to their rule.

8. The precautions we have adopted and the preparations we have made (of which the Maoris are fully aware) lead me to think it probable that the war will be confined to the province of Taranaki; and if so there is every reason to hope it will be summarily concluded.

Taking into consideration, however, the exasperated feelings to which many of the settlers give expression (vide my Despatch, No. 37, April 25th), their open demands for unoccupied lands, the delusions of the Maoris, and the subtlety with which disaffected Europeans deceive them, and misinterpret the intentions of the Government, I am satisfied that a force large enough to overawe the turbulent, and render successful opposition to Her Majesty's arms hopeless, is absolutely necessary for the maintenance of peace in New Zealand. I need scarcely add, that the militia cannot be embodied and employed for any length of time in regular service, as is the case now at Taranaki, without interfering with all those operations upon which the existence of a settler must necessarily depend. I trust, therefore, your Grace will forgive my again urging the necessity of your sending out three regiments and a company of artillery to this colony without delay.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Encl. 1 in No. 14.

Enclosure 1 in No. 14.

NARRATIVE of a Visit to WAIKATO.

AT Taupiri we found the Reverend Mr. Reid of Waipa, whose report of the preliminary meeting at Kihikihi, and of the state of feeling amongst the Waikato in reference to the proceedings of the Government against William Kingi at Taranaki, had created so much apprehension in Auckland. He stated that a letter had been received from William Kingi, calling upon the Waikato tribes for assistance, and suggesting their making a descent upon Auckland; also that a reply had been sent from Kihikihi, promising the solicited aid. He further stated it to be his decided opinion, that a wide-spread sympathy with Wiremu Kingi existed, and that the result of the Ngaruawhia meeting, which he had erroneously supposed was about to take place immediately, would be the adoption of some active measures for the support of the Taranaki natives against the Government. He was of opinion that the news of the Ngatirnanui murders, and the subsequent encounter at Waireka, resulting in the loss of the principal chiefs of the Taranaki and Ngatiruanui tribes, had not reached the Waikato.

The same day I proceeded to Ngaruawhia, about six miles above the Taupiri mission station, accompanied by the Reverend Messrs. Ashwell, Morgan, Buddle, and Reid. We found the chief Potatau, to whom notice of our visit had been sent, surrounded by several younger chiefs, including Takerei, Rewi, Te Wetini, and others, all supporters of what is called the Maori King party. I proceeded to state the object of my visit, to convey correct information respecting recent occurrences at Taranaki, and to ascertain the views of the Waikato chiefs with reference to the whole question. The circumstances connected with the offer and purchase of the land at the Waitara, and the subsequent proceedings of the Government, rendered necessary, in consequence of the interference and opposition offered by William King, were narrated in detail. The particulars of the murders perpetrated by the Taranaki and Ngatiruanui tribes, and of the encounter at Waireka, were also given, and an expression of opinion was invited. Potatau replied to me by giving a short sketch of the past history of the Waikato tribe, their wars, the introduction of fire-arms by the Europeans, the adoption

of Christianity by his people and eventually by himself, and concluded by saying that what had taken place at Taranaki, referring especially to the murders, was but a return to the evil of former days, which he had now for many years given up, desiring to follow the precepts of Christianity, and to promote peace and goodwill among his own people. With reference to William King's position at Waitara, he said that he, William King, had been invited by him to return to the land owned by his ancestors, in consequence of what Governor Hobson had said to him on the subject. He stated that William King had removed to the south a short time before the conquest by the Waikato, and the destruction of the Ngatiawa at Pukerangiora. He also stated, that immediately previous to William King's return the Ngatimaniapoto were occupying the Waitara, but abandoned it at his request. Reference was made by me to the purchase by the Government of the whole district between Tongaporutu and Waitotara, for which payment was received by himself and his brother. He replied by saying, that a payment having been made to the original owners of the soil, he had considered himself entitled by right of conquest to a share of any such payment, and that as he did not get anything from the parties who had received the payment he applied to the Government for satisfaction of his claim. The conversation was here taken up by some of the younger chiefs, and the question of the acquisition by the Government, by virtue of the deed of cession signed by Potatau and his brother on behalf of the Waikato chiefs of all rights possessed by the latter over the territory included within the boundaries named in the deed, was discussed at some length; but I failed to obtain an admission that anything more than the Waikato claim over such territory as had been alienated by the original owners had been acquired by the Government, and the fact that William King had returned on the invitation of Potatau, subject to the assent of the other chiefs, was dwelt upon. It was evident to me that this specious line of argument had been devised for a special object, that of saving William King's right or mana as a chief over the land, and I stated distinctly the view taken by the Government, founded on the unmistakeable language of the deed referred to. Reverting to the subject of affairs at Taranaki, I sought to elicit an expression of opinion as to the conduct pursued by William King, and also with reference to the unprovoked aggression on the part of the Taranaki and Ngatiruanui, carefully distinguishing the two as separate questions.

With reference to the former, it was replied that no opinion could be given at present; that only one side of the question had been heard; that they waited to hear William King's statement of the case; that if it was true, as stated, that he had no claim to the land, he was wrong; and if, on inquiry, he was found to be in the wrong, he would be advised by the Waikato chiefs to give up his opposition, but not otherwise. With reference to the acts of the Taranaki and Ngatiruanui, as at present informed, they were not prepared to separate the two questions, nor to say that the killing of the unarmed settlers could be properly called murder, though in itself a crime regarded in the light of Christianity, yet it remained to be seen where the blame of having brought about the state of affairs which led to its commission ought to be laid; that such acts were incident to a state of war as carried on by natives, and as such were in great measure chargeable on those who caused war; that under any circumstances they regarded the proceedings of the Governor as hasty, and should have thought he would have tried other means of inducing William King to give up his opposition before sending soldiers to take possession of the land. I repeated what I had before stated respecting the object of the Governor in taking a military force to Taranaki; that it was for the purpose of preventing mischief; and pointed out that the forbearance of the Government had been carried to the utmost limit; that William King refused the Governor's invitation to meet him, and discuss the question amicably; that he had himself admitted the validity of the title of the parties who sold the land, and finally that hostilities were commenced by himself. To this it was replied that this was the Government side of the question, but that before forming any opinion they must hear the other side. I left, promising to return on Saturday, when they should have had time to consider the subject of our conversation and the intelligence from Taranaki, being desirous to receive from them some more definite expression of their views and intentions, specially with reference to the application made to the Waikato tribes by William King for assistance, and to the proposals which it was understood would be made by a deputation of the Taranaki and Ngatiruanui tribes about to visit Ngaruawahia for the purpose of formally giving in their adhesion to the Maori King party.

On Saturday the 7th I again visited Ngaruawahia, and conversed with several of the chiefs, including Potatau, who was very friendly in his manner, but unwilling to commit himself by the expression of any very decided opinion in reference to the Taranaki question. He assured me of his wish to live and be in peace and friendship with the Europeans, and to hold fast the three things, "religion," "love," and "the law." He said he would not attempt to conceal from me the fact, that the Waikatos were regarding the proceedings at Taranaki with some doubt, and that they were not yet decided as to the course to be pursued, but that he had no thoughts beyond the three things named, and should hold them fast to the end. In conversing with the other chiefs, the same ground was gone over as on the preceding Thursday, and the same view of the question insisted on. A sketch of the Waitara purchase was also produced, accompanied by a statement, in both of which it was made to appear that William King is possessed of considerable proprietary claims within the block. It was stated that this sketch has been prepared at Taranaki by William King's party, and sent to the Waikato Runanga, who had determined on sending some of their party to Taranaki to test its accuracy on the spot, and that according to the result of the inquiry they should condemn or justify William King. I expressed my belief that the documents in question would be found a mere fabrication, got up for the purpose of deceiving them, and enlisting sympathy; that at all events such claims had never been advanced by William to the Government which they ought to have been had they existed; and I added that I felt satisfied that even now if it could be shown that William King had any such claims the Governor would cause any portions of the land owned by him to be marked off, and excepted from the purchase. The sketch was then, at my request, handed to me, for the purpose of being copied.

Inquiry was made respecting what had passed at Kihikihi, and the reply sent from that place to William King's letter. It was stated that a letter had been received by the Ngatimaniapoto from that chief to the following effect:—"Greeting you, in the love of Jesus Christ. Friends, this is our

word. When you see it send a reply. Friends, blood has been shed, that of the land and that of men; it was not long (in coming to this). Friends, when you see this, think of us. Friends, if see it well to do so, come to us, or if you see it well, turn you to Auckland." It was stated that the reference to Auckland was not understood, and that the reply was to the effect that the persons to whom William King's letter was addressed advised him to think no more about the pahs which had been destroyed within the boundary of the purchased block, but that outside of the boundary he would do well to take up a position and maintain it.

Before leaving, I was requested to return on the following Monday, as the Ngatiruanui deputation was expected, and it was probable affairs at Taranaki would be discussed. I promised to do so.

On the following day a messenger arrived from Auckland, bringing despatches from the Governor, with a letter addressed to Patatou by his Excellency. I returned to Ngaruawahia, according to promise; found the Ngatiruanui deputation not arrived, but expected the next morning. Read the Governor's letter to Potatou, and left copy of translation. The chiefs Takerei and Rewi were present when the letter was read, and said that a reply could not be sent until after the meeting of the tribes which was about to take place, as it was not known what course might be resolved upon.

On Tuesday the 10th I paid a final visit to Ngaruawahia. The Taranaki and Ngatiruanui deputation had arrived, and gone through the ceremony of tendering the allegiance of their respective tribes to the "Maori king;" a procession was formed three deep, composed of men, women, and children, probably 150 in number, which walked slowly towards the flag staff near which the Chief Potatau stood to receive them. At a certain distance all fell on their knees, repeating together the words, "O King live for ever." Addresses were then read (copies of which I was unable to procure), then a prayer, after which all rose and retired backwards. Potatau, to whom the affair seemed to be rather a matter of endurance, made no reply beyond the usual salutation. I was not present during the ceremony, the particulars of which were reported to me afterwards. Shortly after my arrival the chiefs of the deputation, which was accompanied by several of the Ngatimaniapoto chiefs from Kawhia, commenced speaking, and were replied to by the Waikatos who had come to Ngaruawhia to receive their visits: The general tenor of the Ngatiruanui speeches was to the effect that they had come to join the Waikato, to acknowledge their king, in whom they saw the saviour of the island; that henceforward, instead of every man having his own thought, there would be one head; that in this union they should become strong and prosperous; and that they were willing to follow implicitly the guidance of the Ngaruawhia council. Allusion was made to the murders committed by their tribe, and the taking up of the quarrel between the Government and William King, which was condemned as being precipitate, and contrary to the advice given by themselves before leaving home, which was that nothing should be done until their return, after conference with the Waikato. It was intimated that the affairs of these tribes being now entrusted to the management of the king's council, they would be looked to, to find a way out of their present difficulties, and that they were responsible for bringing matters to a satisfactory issue. The replies of the Waikato chiefs, a few of whom only spoke, were unimportant. Sympathy was expressed, and it was broadly hinted that by the proceedings at Taranaki the Governor had committed an aggression on the Maori people, and violated the principles which Potatau and the Ngaruawhia party had adopted, and by which universal peace and goodwill was to prevail. At the close of this day's proceedings I again visited Potatau at his house, and informed him that it was my intention to return to Auckland the following morning, and asked him if he had any reply to send to the Governor's letter or any message. He answered in words to the same effect as at the previous interview on Saturday, adding that he was now very feeble, and incapable of taking much part in the discussions which took place among his people; that neither eyes nor ears now served him, but that the Governor knew his sentiments, and these would not change. I then stated, in the presence of Takerei and Rewi, what I believed to be the Governor's intentions respecting William King, and also with reference to the Ngatiruanui, and said, that having done so the Governor would expect the Waikato chiefs to be equally frank, and declare their intentions. I was then assured by Takerei and Rewi that nothing had been resolved on at present, but that whatever course was decided on at the coming meeting the Governor would be informed respecting it; that they intended coming in person to see the Governor after the meeting, when a reply to his Excellency's letter would be sent. Having received this assurance, I left for Taupiri. The Rev. Mr. Buddle remained at Ngaruawhia for the night, and in the morning, before leaving to join me on my return, listened to several speeches by the Ngatimaniapoto chiefs, with replies by one or two Waikato chiefs, the former urging the Waikato to take up the Taranaki affair, and support William King against the Government, and the latter declining to do so on the ground of not being sufficiently prepared. Notes of these speeches have been preserved by Mr. Buddle.

As the result of my observation during my late visit to the Waikato, I am impressed with the conviction that what is called the Maori king movement, so far from dying out, is assuming proportions which make it an object worthy of the most serious attention on the part of the Government. There can be no doubt that it numbers among its supporters some of the most intelligent and able men in the country; and I believe that its leaders perfectly understand the task they have set themselves to accomplish, the achievement of a national independence. That they are already assuming a position whence to dictate to the Government on questions considered to affect the Maori race is most apparent. The truth of the maxim, that union is strength, is appreciated, and is sought to be realized. Among a large majority, and those who at present control it, there is I believe a good feeling; certainly no animosity towards the Europeans; and it is believed by them that a separate nationality may exist without any disagreement between the two races. On the other hand, the idea of preserving Maori independence attracts many of the evil-disposed, who have little in common with the superior class of men just referred to, beyond the unwillingness to submit to English rule, and who would be glad of a pretext to rise up in arms against, and, if possible, drive the Pakeha out of the country. In the present case the justness of the cause of the Government will I think deter the Waikatos from lending their support to William King; but had the case been different I think it highly probable that they would have espoused his quarrel, and that there would have been a general rising throughout the country. As it is, I believe only a portion of the Ngatimaniapoto will join,

unless prevented by the rest of the tribe who do not sympathize. That there are elements of weakness in this Maori confederation, which under any circumstances must ultimately result in its destruction, I am satisfied; but in the meantime it may be the means of plunging the whole country into a state of confusion and bloodshed. No pains should be spared to secure every means of protection, and I believe that only by living in a state of preparation to meet even such a contingency as a general rising of the natives is peace likely to be maintained in the country.

(Signed) THOS. H. SMITH.

Enclosure 2 in No. 14.

Encl. 2 in No. 14.

SIR, Onehunga, April 25, 1860.

I BEG to enclose, according to your Excellency's request, my notes of the native speeches that were delivered at Ngarnawahia at a late meeting of native tribes.

May I direct your Excellency's attention to the speeches of Tapihana, Wiremu Hikairo, Te Paetai, Takerei, Wiremu, Te Ake, and Hari, all of the Ngatimaniapoto tribe, and all evincing strong sympathy with William King, the Waitara chief, and an earnest wish to get up an army to go and help him.

They were no doubt stimulated and greatly encouraged to this course by Te Whetini and Karamoa, who at a former meeting expressed very strong sympathy with the Taranaki tribes.

The reply of the Waikato chiefs may be considered as contained in Karaka Tomo's address, who appeared as the selected spokesman on the occasion. His speech is truly characteristic and figurative. The impression I received from his replies was, that they are not yet prepared for any great movement against the Pakehas. The entire speech would suggest the idea that some plan had been devised to accomplish some object on which they were agreed, but that the plan is not yet ripe, the preparations incomplete, the time to act not yet come. What the object may be of course we can only conjecture. My own idea is that they wish to have the combination that has for sometime been growing under the Maori King party as strong as it can be made, and then to dictate to the Government on the subject of land and other matters affecting their interests.

The reports that had reached the Rev. Mr. Reid, and which I read to your Excellency before I left for Waikato, were all confirmed by a trustworthy native of Rev. Mr. Morgan's station, who had been present at a meeting at Rangiaohia, where the proposals for a simultaneous attack on the European settlements had been repeated. No such proposal was clearly made at Ngaruawahia, but the remarks of Paetai and others contain allusions that might be fairly interpreted as implying bad intentions; and the remarks of one of the Waikato chiefs, whose name I did not hear, were rather ironical, who said they had not been openly attacked, but attacked behind; that it was all good, and did not make him dark; meaning that the European has created a cause for their action.

My conclusion is, that the Maori King movement will need watching with the utmost vigilance. Though the party may take no immediate action, because the "pa is not finished," yet it is impossible to say what they might be tempted to do when they have completed the combination, and enlisted as many tribes as they have any chance of securing.

I have always looked on this movement seriously, and one likely sooner or later to give us trouble. I think I expressed as much as this to your Excellency twelve months ago, on my return overland from Taranaki. I still view it with no small concern, and trust and pray that you may be directed by an all-wise Providence to the adoption of such measures as will prevent any serious evil or collision between the races. I have great confidence in the idea suggested by your Excellency a few days ago, a congress of influential chiefs. I should myself prefer a general congress rather than a partial one, composed only of those supposed to be friendly. I think the more general the more widely will the influence of such a meeting be likely to extend, and the greater the number of allies that will be obtained. With all deference, and with great respect, I submit these remarks,

And remain, &c.

To his Excellency Col. Browne, C.B. (Signed) THOMAS BUDDLE.
&c. &c.

NOTES of Native Speeches delivered at Ngaruawahia, April 11, 1860, on the arrival of a deputation sent from Taranaki to present the allegiance of the Ngatiruanui and Ngatiawa tribes to Potatau.

Tapihana, of the Ngatihikairo, said:—Hear my mottos. I begin not with the events of to-day, I go to the words with which Potatau set out—Te wakapono, te aroha, te ture, (religion, love, law). First religion. This is your work. Pakehas and men of religion walk in the ways of God, and pray for peace upon all men. Our third motto is law. This is our work; let us take care of this, and work it out. If Governor go on to a piece of land, I shall follow his steps. If he opens roads, I shall be there. If he shed blood, I shall be there as well as he. I seek life for the people. I say, save the land and the paths for your children. Our second motto is love. Our forefathers lost this by their wars; we seek to restore it. These are the mottos for all the world. I mourn for the blood of Te Rangitake; my blood is the blood of Te Rangatake. I shall go and seek Te Rangatake and Kukutai at once. I am but one, but I shall go. If I fall it will be good; never mind that.

Karaka Tomo Te Whakapo from Rangiawhia:—You are right; those are our mottos. Let there be no evil of any kind. No war among the Pakehas, and no war among the Maoris. But let us build our pa; let us complete it; let it be quite finished. I do not consider it complete yet. Leave the other thing (the war at Taranaki) for the evil spirit to carry on. Twice he has turned upon us, and twice we have forgiven; let us abide by our three mottos, and wait to see if he will be strong and persevere. Our pa stands broken. Listen, William Takarei Wetene, listen. I consider that our pa for our wives and children is not yet complete. Let us finish it; dig the trenches, throw up the breastwork, and bind the fences. Look at his (the Pakehas') work in other lands; never too late (or behind time alluding to the prompt movements of the European.) Therefore I say quietly build our pa.

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Tapihana replied:—What pa is that you are building? We have built our pa, and it is broken down, and stained with blood. The wealth we had collected into our bag is scattered. It is thrown out into the fern. Who shall gather it up again? (Alluding to the men who had fallen at Taranaki.)

Tamo Wakapo replied:—You may say that our pa is finished, but I do not. As for our blood, Christianity had stopped its flow, but we ourselves opened the wound (alluding to Maori quarrels). I shall not hastily see the correctness of your proposal. Should I consent now we should all be ruined at once. The Governor has been to Taranaki, and has returned to whangihan (i.e. to sing or exult over the slain). My thought is how often shall my brother sin against me and I forgive?

Wiremu Hakairo:—We have two things to think of, to (our) tatou kingi and our blood. I am in pain. My foot is pierced either with a fern or a tree. It is said that the king is to protect us. I want to see it. I have not seen it yet. What has he done for me? You are clearing your own paths and spreading your own mat, talking about wakapono; but I am cold; a door has been opened to let in the wind, and it has blown directly upon me. You think you are providing a covering, but there is an opening made in it.

Tomo replied again:—I do not condemn what you say, but I cannot see the wisdom or utility of it. If I could I should instantly consent, and say our work is complete; but I consider our pa at present unfinished. Come let us finish what we are now at.

Wiremu Hikairo replied:—You Tomo are holding us back. You are hiding the thing. Your words may be correct, but what shall I do? Son, our intention will be carried out, whoever may oppose, but you are alone in your unbelief.

A Waikato whose name I did not get:—Think not that I am grieved or dark because of the doings of my friend the Governor. It is only what they (the Pakehas) have done elsewhere; they have conquered and taken other islands, and they come to do the same with New Zealand. Let not the Pakeha bring war to this land. Let him return to his own lands, and fight there. How often shall my brother sin against me and I forgive him? Let him cease here, and all will be well. He did not attack me in front openly; he came on me unawares behind; but I am not dark about it, it is all good (this was ironical).

Te Paetai from Kihikihi:—Great is the truth of your words, my son. Tomo, be strong to maintain yours. These are my thoughts, for your question, how often I will answer it.

Sin the 1st. Te Rangihaeata (Wairau).
2d. Hone Heke.
3d. Whanganui (the war there).
4th. Auckland (the Waikato native that was murdered).
5th. Tauranga.
6th. Te Rangitakei (Waitara).

The Pakeha committed all these. If we had sinned as often we should have been punished long ago. Be strong, Tapihana. For what cause do you propose to take your gun to Taranaki? It is not because the Governor has made war. Murder is talked of, but it was not murder, it was only a thing joined or added (he apiti). Tell me, was it murder? No; he apiti (loudly replied the Ngatimaniapoto). According to the law of Christianity it was murder, but according to the Governor's it was he uru whakaara (i.e. a part of the battle which the Governor had begun).

Te Wetene Ngatihana:—There was a time when I was strong towards the Governor; for when I was thirsty he gave me drink, or naked he clothed me; now they have taken away the water and the garments. What can be the thoughts of the men that have done this? What? Potatau is a Pakeha. Let us do nothing else. Let Potatau be our work at present.

Te Karei Kewhia:—Talk away. This is the pa; this the house for us. We thought there had been a union of the black skin and the white one; but the white was only white outside; it was black inside; the black was black only outside; it was white inside. They put forth the straight law, and praised it; but blood has been shed, not by the black skin, but by the white. They have gone to shed blood, and have trodden underfoot the law that was right. Friends, the blood of the black skin has beed shed, has it not? (The Ngatimaniapoto responded, "Ae.")

Wirimu Te Ake Ngatihikairo:—We see our error, New Zealand. The fathers came first with the word, "Go ye into all the world, and preach the gospel to every creature." I was sitting under their wings when the first Governor came. He said, "Here am I. I have come to see you." We asked, "Have you come to take our land?" He said, "No." After this we went to Remuera, to attend the great feast, and about 300 of us met at Government House. We said to the Governor, "We do not intend to part with our land." He replied, "You may go, and keep your place; hold it fast for yourselves." Then he returned. After this we began to see the intentions of our fathers (the missionaries) and the Government, and the result is, blood is flowing. You (Waikato) have shown us one thing; show us the others? What can we do; they have strangled the child; they have pursued us along our path. It is the Governor that has committed the error, is it not? Again Ngatimaniapoto shouted, "Ae." The question repeated, the same reply was given.

Te Kihirini Te Kanawa:—The work is not mine. I have done none at all. Listen to me, Pirongia (the mountain) is great and Taupiri is great. My blood has been blackened at Taranaki before; and if it is to be blackened again let it be at Taupiri (meaning don't let us go away to fight, but wait till we are called to defend our own land.)

Wireimu Kikairo:—What do you mean? If the house be standing, it is with the roof but partially covered and all broken below; come, and let us repair the place that is broken.

Hari Ngatimaniapoto Kawhia:—We were made one by Christianity; our union commenced when we heard the name of Christ; but I am looking at what Tapihana said; it is right. Yours is blood that was shed in one day, not in two days; and my word is to Tapihana, Let us arise and go. The ministers who reside with the Pakehas have not been strong to exhort their people against war. They have removed my pillow from under me. When missionaries came first they had two ploughs, one for heaven and one for earth; the one for heaven was kept going before our eyes, the other was kept out of sight; they did not inform us (meaning missionaries were but pioneers who came to prepare the way for taking their land).

Te Tumuhuia Waikato:—If I lift my heels I shall have no strength in my knees. I am not dark. If I desire to go I shall go without speaking of it. I mourn for the people (Taranaki). Formerly we were divided by the wars of our fathers; now we are one, therefore I mourn for them.

Hoani Papatiste Rangiawhia:—I do not see the wisdom of this talk. The zeal of Tapihana is the one thing that is wrong; it is boast or bounce of his, and he has brought it to us, but his proposals fall to the ground. Rather let us keep to our point, and not be drawn aside (the king movement). Don't let us be divided. If we consent to Tapihana we shall be all wrong. Don't let our talk go after William King. Let us keep to our point. This will do at present; let our talk end for this day.

The natives of the Ngatiamaniapoto tribe were no doubt encouraged to make the revolutionary proposals and to use the strong language contained in their speeches by the speeches of two Waikato chiefs, Te Whetini and Karamoa, who spoke the preceding day, when the Ngatirnauni and Ngatiawa presented their allegiance to Potatau.

Whetini said:—Welcome strangers; come to us, and bring the raupo and thatch that is to finish our house. This is the completion of our work (alluding to the fact of those distant tribes now joining formally their King party). "Come," he said, "the work is now finished. The house that God has joined and made one is split; it is broken to pieces (referring to the collision between the natives and Europeans at Taranaki). Take my love to Kukutai," the chief that was killed at Waireka.

Karamoa followed in a similar strain, saying:—Welcome, come and see me. I am pained; I have received a wound. Alas for me! my affliction is great. I have talked about land till I am weary; now I sit in grief; my very vitals move; I shake like the leaves of the weeping fern-tree for my children. Come you, and tell us of death; you have come from the scenes of death. Bring your grief to us; pour out your sorrow. Come to Waikato, to the house we have built; let us hear all about it; our ears are listening to the intelligence of death.

He recited a native waiata expressive of his feelings:—

Kokirikiri ai, te ao kapua
E rere mai ra kei te moana, e-i
Kihonei au mihi atu ai
Tangi atu ai ki aku tamariki e-i
Ehara i te tangata
Ko te whatu toto o te ngakan motuhia
Putunga mahara i a au, e-i.

The clouds are coming up from the sea (for the soldiers).
I am here sympathizing with and weeping for my children.
Am I not a man?
The very fountain of blood in the heart will burst with the depth of my feeling.

Enclosure 3. in No. 14.

Encl. 3 in No. 14.

Letter from the Chief Wm. Tako on W. King's claims on Te Teira's land at Taranaki, and Potatau's speech to natives at Ngaruawhia.

Sir,

The following letter has been addressed to the Waikato chiefs by Wi Tako, an influential chief of the south, respecting the Taranaki war. Tako paid a visit to Waikato a few weeks ago, for the purpose of joining the Maori king party. On his return to the south he was deputed by them to inquire into the cause of the Taranaki war, and the nature of William King's claims to the disputed land. The following is his report:

"Waitoki, Taranaki, April 10, 1860.

This is my message to Waikato, that Waikato may understand the character of this foolish work at Taranaki. I arrived here, and have ascertained the causes of this war. Enough of this.

Another word. My message is to Tikaokao, chief of Tongaporutu, to Te Whetini, chief of Tarariki, to Takerei of the Kauri, to Hikaka of Papatea, to Reihana of Whataroa, to Te Whetini of Hangatiki, to Ernera of Mohoaonui, to Te Paetai of Huiterangiora, to Heuheu of Taupo, to Paerata of the Papa, to Te Ati of Arohena, to Epiha of Kihikihi, to Ihaia of Hairiai, to Hoani of Rangiohia, and Hori te Waru, to Tamihana of Tamahere, to Rewhi at Ngaruawahia—to all of you. You requested me to investigate the subject, and send you the truth, which is this. Friends, this sin is William King's. Another sin has been committed by Taranaki, greater than all the evils that have been done in the land [referring to the murders]. Let your thoughts be true to the words [or pledges] given to me by you, and which we considered to be right. Friends, the work that you have to do is that which is right, and that only. Don't you look towards the foolish works of this land. Friends, listen to me; former days were days of error, the days that succeeded were days of truth; let this be your only work, to obey the word of the Great Father in heaven, which is a line that has one end above and the other reaching down to the earth. That is the fighting for us, be true to your agreement with me.

Friends, listen to me. The cause of this war is the land only. Not the king. Let not the evil spirit lead you into temptation.

From your true friend in the Lord,
From Wi Tako Ngatata.

My Father, Taupiri, April 16, 1860.

I wish that you should hear the words of Potatau and some of the chiefs of Waikato, after the agents of Government went away.

That chief's hearing the words of Ngatimaniapoto that they should go to Taranaki to the war led him to say to the whole assembly:

"I am not willing that the works of former times (viz. war) should be brought back to my hand, I will not consent to it, nor will I consent to the guns being taken. You found me living in the

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presence of the Governor, as his servant; however, for love of the tribes (*'hau'*) of the inner Waikato, I came back again, therefore I suppose this may be a deceit of theirs, to make me like Te Ruaparaha."

Then he spoke on another point, explaining the reason why the war against Ngapuhi came to an end, viz., "because they did not take the course of murdering boys. Their course was not like that of Ngatiruanui. If they (Ngatiruanui) had gone quietly into the presence of the Governor and William Te Rangitake, then part (of their conduct) would have been in some degree right. Take notice. What I affirmed was the law, the faith, and love. Love cannot be broken asunder."

When the chiefs of Waikato heard this speech of the old chief they all agreed not to go to Taranaki, lest their bodies should be left to fatten other lands, but rather that they should be left to fatten the root (*take*) of Taupiri.

On the other hand, when those presumptuous men (whose speeches were heard by the agents of Government) heard this, they were much ashamed; and some of them went straight back in dudgeon to their own places.

On the 16th April Potatau came to converse and to bid good bye to Mr. Ashwell, and said this:

"Let not the Pakehas be afraid who dwell in the midst of the Maoris at Whaingaroa (Raglan), at Waikato, at Waiuku (*Waiho mai toku inati*, ara, *toku whakatina.*) This would be an evil omen for me (that is, an imputation upon me). Let Waiuku remain open; let it not be blockaded by soldiers; leave it as a market for the sale of wheat, and as a road to pass by to the town. Let the people also who live on the road to Auckland remain quiet, and not be afraid."

The result of these speeches was that Ngatimaniapoto went to conduct Ngatiruanui on their way home, but without guns.

I have this further to say to you:—Do not listen to the reports of people who talk at random. If I hear of any evil word being decided upon as a line of action I will write to you.

By your son,
SETH TARAWHITI.

No. 15.

No. 15.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE of NEWCASTLE.

(No. 40.)

Government House, Auckland, New Zealand,
April 27, 1860.

(Received July 12, 1860.)

(Answered No. 48, July 26, 1860, page 261.)

MY LORD DUKE,

I HAVE the honour to forward twenty-five copies of a memorandum prepared by the Colonial Treasurer, containing a statement of certain matters connected with the present insurrection at Taranaki, and having reference to what is termed the King movement in the Waikato district.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Encl. in No. 15.

Enclosure in No. 15.

[MEMORANDUM.]

THE Governor invites an expression of the views and opinions of his responsible ministers on the present state of Maori affairs.

(Signed) T. GORE BROWNE.

Government House,
April 21, 1860.

[MEMORANDUM.]

Auckland, April 27, 1860.

That the present crisis in the affairs of New Zealand may be properly understood, it is in the first place requisite to give some account of the views and intentions of the native agitators known in the colony as the Maori or Waikato King party. The contest in Taranaki between the British Government and the chief Wiremu Kingi and his followers derives all its importance from its connexion with this movement, for without the sympathy and expected support of the Waikato league the Taranaki natives would never have ventured upon armed resistance to the British Government.

The first proposal for the erection of a separate native state under the Waikato chief Te Whero Whero (now generally called Potatau) seems to have been made as far back as 1854. There was at first considerable diversity of opinion amongst the promoters of the movement, and great consequent uncertainty as to its precise objects. Many well-disposed natives seem to have joined in it without any thought of disaffection towards the British Government, and purely, or principally, with a view to establish some more powerful control over the disorders of their race than the Colonial Government has found it possible to attempt. But there are others whose objects have been, from the beginning, less loyal. These men have viewed with extreme jealousy the extension of the settled territory and the increase of the European population. Various influences have combined to augment the effect on

their minds of this natural feeling. The lower class of settlers, sometimes wantonly, sometimes under provocation, have held out threats of a coming time when the whole race will be reduced to a servile condition. Of late, a degraded portion of the newspaper press has teemed with menaces of this kind, and with scurrilous abuse of the natives, and all who take an interest in their welfare. False notions respecting the purposes of the British authorities have been industriously spread by Europeans inimical to the Government, and whose traitorous counsels enable them to maintain a lucrative influence over their credulous native clients; and there may have been some few honest friends of the Maories, who, looking only to the better side of the agitation, have given countenance to a movement which, in their opinion, promised to promote the establishment of law and order, and the advance of civilization, and to afford a beneficial stimulus to the languishing energy of the Maori people.

The Government at one time entertained a hope—a hope now deferred but not abandoned—that the good elements in the King movement might gain the ascendancy, and become the means of raising the native population in the social scale. It must, however, be admitted that the agitation has of late assumed a most dangerous phase.

The two objects of the league may now be affirmed to be, first, the subversion of the Queen's sovereignty over the northern island of New Zealand, and, secondly, the prohibition of all further alienation of territory to the Crown.

As regards the first object, the more advanced partisans of the Maori king now distinctly declare that the Queen of England may, for aught they know, be a great sovereign in her own country, but that here, in New Zealand, she shall become subordinate to their native monarch, from whom the British Governor shall take his instructions. The utmost conceded to the Queen is an equal standing with King Potatau.

The absolute prohibition of further land sales is a necessary part of the new policy; for it is plainly seen that unless the further colonisation of the country can be put a stop to the Europeans will shortly outnumber the natives even in the northern provinces.

The general sentiment of the New Zealanders with respect to their territorial possessions entirely harmonizes with the views of the king makers. The Maori feels keenly the parting with his rights over the lands of his ancestors. The expressive words of the deeds of cession declare that under the bright sun of the day of sale he has wept over and bidden adieu to the territory which he cedes to the Queen. It is in vain to assure him that the land remains open to him upon the same terms as to the European settler. He cannot see the matter in this light. The soil, with all its memories, and the dignity conferred by its possession, have passed over to the stranger; and in its place he has acquired only perishable goods, or money which is speedily dissipated. The land-holding policy of the King party is popular, because it secures to every native the occupation, in savage independence, of extensive tracts of wild land.

When the first emigrant ships arrived at Port Nicholson, and landed their hundreds of colonists, the natives are said to have wept at the sight. They had been told, but had not believed, that the foreigners were coming to settle in great numbers upon the land which the agent of the Colonizing Company had just acquired. They had not realized to themselves that their country was about to be occupied by a civilized race in such force as to be able to hold its ground in spite of native resistance. The New Zealanders had always been fond of having amongst them a few Europeans, dependent on their goodwill, but they love to remain masters. It is the notion of the King party that the settlers in New Zealand should be placed much on the same footing as the European squatter in a native village, whose knowledge and mechanical skill procure for him a certain amount of respect and influence, but whose homestead is held on sufferance, and who is obliged to comport himself accordingly. "Send away the Governor and the soldiers," they say, "and we will take care of the Pakehas."

The old chief, Te Whero Whero, who has been a firm ally of the British Government, has been removed by his relatives of the new faction from his late residence at Mangere near Auckland to a place called Ngaruawahia, at the confluence of the Waikato with its principal feeder the Waipa. There his supporters have established the old man (who seems to lend himself unwillingly to the farce) in a kind of regal state. The deputation despatched from Taranaki to solicit support for W. Kingi were clothed for the occasion in a uniform dress. They approached in military order. At a given signal all fell on their knees, whilst some one in a loud voice recited the text "Love the Brotherhood. Fear God. Honour the King!" After the interview the deputation retired, facing towards the royal presence. They appear to have been well drilled in this ceremonial.

The absurdity of these pretensions does not render them less dangerous. Unfortunately they are supported in the minds of the natives by an overweening opinion of their own warlike skill and resources. It must be confessed that the imperfect success of military operations in New Zealand has given some countenance to the natives fixed opinion of their own superiority. In the debates of the Maori council at Ngaruawahia, the experience of the wars against Heki and Rangihaeata, and of the Wanganui war, are constantly referred to as showing how little is to be feared from the prowess and the boasted warlike appliances of the Pakeha.

As regards the further alienation of territory, the received interpretation of the treaty of Waitangi recognises rights in the native proprietor which must be respected, however inconvenient those rights may prove; but it would not be politic, or safe, or right, to submit to the attempted usurpation of a power of obstructing the settlement of the country which the admitted interpretation will not warrant. The treaty secures to the native proprietor the right to part with to the Crown, or to retain for himself, lands which are his own. The king party would assert a national property in or sovereign right over the remaining native territory, and are ready to support all opposition to land sales, without nice inquiry respecting and even without reference to the merits of each particular case. In this they infringe at once upon the rights of the Crown and of the native proprietor.

It is by no means meant to assert that all who have joined or who favour the party of the Maori King propose to themselves ends so dangerous and unjustifiable. Potatau himself is probably sincerely averse to any proceedings hostile to the Government. It is, however, uncertain how far he may have

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power to restrain his people, and it is undeniable that sentiments quite as strong as those above described are freely expressed throughout the districts south of Auckland, and may be expected to shape the action of a large part of the powerful tribes of Waikato.

Such then is the party to whom William King of Waitara is looking for support, and it is to be feared, with some prospect of success; and it now becomes necessary to give some explanation of the origin of the present disturbances at Taranaki.

The settlement of New Plymouth was founded in 1841 by the Plymouth Company of New Zealand, which subsequently merged in the New Zealand Company. There were at that time scarcely any natives in the district. Some had fled southward to Cook's Straits, to avoid the invading Waikatos. Many others, who had been captured on the storming of the Ngatiawa stronghold, Pukerangiora, still remained slaves in the Waikato country. The New Zealand Company's agent had purchased of the resident natives, with the assent of some of their relatives at Port Nicholson and Queen Charlotte's Sound, a tract of country extending from the Sugar Loaf Islnds to a place called Taniwa, between three and four miles north of the Waitara River. The block exteded about fifteen miles along the coast, and contained 60,000 acres. It included the land now the snbject of dispute. After the arrival of the settlers, the refugee Ngatiawas and manmitted slaves from Wuaikato began to return in great numbers, and disputed possession of the block with the settlers. So completely, however, was the Waikato right of conquest admitted, that their permission was sought and obtained by the returning Ngatiawas before they ventured to set foot in the district. The Waikato had however, previously transferred their rights to the British Government by the deed of cession which will be presently referred to.

In 1844 the Land Claims Commissioner, Mr. Spain, investigated the New Zealand Company's title, and reported in favour of their purchase; but Governor Fitzroy took a different view of the rights of the absent and enslaved Ngatiawa, and refused to confirm Mr. Spain's award.

In consideration of an additional payment, the returned natives consented to surrender a small block of 3,500 acres, comprising the town site; and within these narrow limits the British settlement was for some time confined. Other small blocks were subsequently from time to time acquired, and the settlement now extends for a distance along the coast of about five miles in each direction, north and south, from the town. The European population amounts to upwards of 2,500 souls, greatly outnumbering the resident natives.

The northern boundary of the settlement is little more than four miles from Waitara; but on this side of the town the Crown lands are intermixed with territory over which the native title has not been extinguished. A singular spectacle is here presented of peaceful English homesteads alternating with fortified pahs, which command the road to the town at many points, unpleasantly reminding the spectator that the savage law of might still rules in this fair district.

It need scarcely be said that the occupants of these pahs do not regard themselves and practically are not amenable to British jurisdiction. Since 1854 they have been in continual feud amongst themselves, and there has been a succession of battles and of murders in close proximity to the settled territory. A chief has been slaughtered on the Bell block; skirmishing natives have sought cover behind the hedgerows,and balls fired in an encounter have struck the roof of a settler's house.

These feuds have arisen out of disputes as to the title of land. One native faction has been steadfastly opposed to the alienation of territory to the Crown; the other party has been not less passionately determined to sell, and the contest has been as to their right to do so. The sellers naturally carry with them the sympathy of the colonists, who feel that an extension of the settlement would bring, not simply a material prosperity which this unfortunate place has never known, but also the far greater blessings of peace, security, and the prevalence of British law.

It is obvious that in such a state of things the relations of the two races thus closely intermixed, must be full of peril. The embarrassment to the Government is extreme. But without some knowledge of the native character its extent will not be fully apprehended. When a native has offered to cede land to the Crown, his pride (perhaps the strongest passion of a chief) is committed to carry the sale into effect against all opposition, and it may be equally dangerous to the peace of the country to accept or refuse the offer. If the offer be accepted, the Government becomes involved in difficulties with the opposing party; if refused, the seller will seek to revenge himself upon his opponent, or become disaffected towards the Government that has put a slight upon him. If his passion does not turn in either of these directions, he will probably persevere in his attempts to induce the Governor to purchase; thus keeping open a source of agitation and peril. Taranaki is by no means the sole seat of such difficulties. At the present juncture in the affairs of the colony the Government is in other quarters placed in a similar dilemma, and is in the greatest danger of alienating those chiefs who are friendly by the rigid scrutiny to which it is requisite to subject their offers of land. The truest policy would be a fearless administration of justice between the contending parties. Unfortunately to determine absolutely what is just is often impossible in these cases, and were this otherwise the British Government is not in a position to enforce its award.

In March 1859 the present Governor visited New Plymouth, and on the 8th of that month held a public meeting of all the principal chiefs of the district, the Native Secretary, Mr. McLean, acting as interpreter. The proceedings had reference to the establishment of British law throughout the Taranaki district; and in the course of his address the Governor said, "he thought the Maories would "be wise to sell the land they could not use themselves, as what they retained would then become "more valuable than the whole had previously been. He never would consent to buy land without "an undisputed title. He would not permit any one to interfere in the sale of land unless he owned "part of it; on the other hand, he would buy no man's land without his consent."

Immediately after this declaration by the Governor, a Waitara native, named Teira, stepped forward and speaking for himself and a considerable party of natives owning land at Waitara, declared that he was desirous of ceding a block at the mouth of the river on the south bank. He minutely described the boundaries of the block, stating that the claims of himself and his party went beyond those limits, but that he purposely confined his offer to what indisputably belonged to himself and his friends. Being a man of standing, and hs offer unexpected by many present, he was listened

to with the greatest attention, and concluded by inquiring if the Governor would buy his land. Mr. McLean replied that the Governor accepted the offer, conditionally on Teira's making out his title. Te Teira then advanced and laid a native mat at the Governor's feet, thereby symbolically placing his land at his Excellency's disposal. Teira's right was denied by none except a native named Paora, who informed the Governor that Te Teira could not sell without the consent of Weteriki and himself. Teira replied that Weteriki was dying (he is since dead), and that Paora was bound by the act of his relative, Hemi, who concurred in the sale. William King then rose, but before addressing the Governor said to his people:—"I wish only to say a few words, and then we will depart." Then, turning to the Governor, he said:—"Listen, Governor! Notwithstanding Teira's offer, I will not permit the sale of Waitara to the Pakeha. Waitara is in my hands. I will not give it up; *e kore, e kore, e kore* (*i.e.*, I will not, I will not, I will not). I have spoken." and thereupon abruptly withdrew, with his people.

William King was one of the Ngatiawa who had retired to Cook's Straits, whence he returned to Taranaki in 1848. Though a well-born chief, his land claims are not considerable, and lie chiefly, if not wholly, to the north of Waitara. On his return to Taranaki, being still in fear of the Waikatos, he applied to Tamati Raru, Teira's father, for permission to build a pa on the south bank, which was granted. He put up his pa accordingly close to one occupied by Teira's party; but his cultivations are on the north side of the river. Rawiri Raupongo, Tamati Raru, Retimana, and the other members of Teira's party, have cultivated the block sold to the Governor. But King has been joined by a number of natives who have gathered about him since his setlement at Waitara, and these men have encroached with their cultivations upon the proper owners. This has been a source of dissension, and one reason determining the sellers to part with their land. King's particular followers, who have been enjoying the use of the land without any claim to share in the proceeds of its sale, naturally support him in his opposition.

During the space of eight months which elapsed between the first offer and the final acceptance of the land, opportunity has been freely afforded to adverse claimants to come forward and establish their right. The last occasion was on the 29th November 1859, on the payment of the first instalment of the purchase money, which was publicly done in presence of King and a large number of Europeans and natives. On that occasion a document setting forth the boundaries of the block was read to the assembled natives by Mr. Parris. Appended to the document was a declaration, on behalf of the Governor, that if any man could prove his claim to any piece of land within the boundary described such claim would be respected, and the claimant might hold or sell as he thought fit. No such claim, however, was put forward.

The question of title is one on which persons not versed in the intricacies of native usage cannot expect to form an independent judgment. It is a question to be determined upon authority. The Native Secretary, Mr. McLean, who, in addition to his general experience, has a special acquaintance with the Taranaki land question, dating back to 1844, denies King's right to interfere. The Rev. John Whiteley, Wesleyan Missionary at New Plymouth, and Mr. Parris, the District Land Purchase Commissioner, both of whom have had a long acquaintance with the subject, agree with the Native Secretary. A very valuable testimony to the same effect is furnished by a letter recently addressed to various chiefs of Waikato and Mokau by Wi Tako, a Ngatiawa chief, a translation of which is appended to this Memorandum. (App. No. 1.)

Wi Tako's evidence carries great weight, as his prepossessions are adverse to the British Government. For some time he has been strenuously advocating the cause of the Maori king, and the letter in question was actually written by him whilst on his return to Wellington from Ngaruawahia, where he had been attending the deliberations of the Maori council. It is said that he was specially deputed by Potatau to inquire into the merits of the Waitara question.

W. King himself does not assert a right of property, as plainly appears from Mr. Parris's official report of the meeting, already referred to, of 29th November 1859. (App. No. 2.) In answer to the question, publicly put, "Does the land belong to Teira's party?" King says, "Yes, the land is theirs, but I will not let them sell it." Again, being asked "Why will you oppose their selling what is their own?" he replies, "Because I do not wish that the land should be disturbed, and though they have "floated it, I will not let it go to sea. It is enough, Parris, their bellies are full with the sight of the "money you have promised them. But don't give it them. If you do, I will not let you have the "land, but will take it and cultivate it myself."

King's stand is really taken upon his position as a chief; and possibly had the Ngatiawa not been broken up, and driven from their territory, or had the circumstances of King's re-establishment at Waitara been different, his birth might have given him the command over the tribe which he pretends to exercise. It is enough to say that King's right to dictate to them is not recognised by the principal men of the Ngatiawa in Taranaki, and that its attempted exercise is the real cause of the disturbances which have so long vexed the district.

Still less would Te Whero Whero and the chiefs of Waikato have countenanced King's ambitious views until the rise amongst them of the new ideas of which an exposition has been given in the former part of this Memorandum. The Waikatos themselves, claiming the district by right of conquest, transferred their rights to the Crown in 1842, by deed of cession, of which a copy is annexed. (App. No. 3.) The boundaries named in the deed extend from Tongaporutu, 10 miles south of Mokau, to the Waitotara River, near Wanganui. This deed was relied upon as at all events precluding the interference of Waikato in the Taranaki question.

It now seems that this reliance was not well founded. But should the tribes of Waikato take arms in a case in which they have so little concern, in which the Governor is so clearly in the right, and in which they are themselves so pledged and bound to support his Excellency, it will be manifest that the state of their feeling was such as that by no possible sacrifice of interest, honour, and principle could a rupture have been long avoided. And in that case it might be on the whole matter of reasonable congratulation that the British Government should have come openly to an issue with the King party before the preparations of the enemy were complete. The districts north of Auckland are yet firm in their allegiance; but everywhere else in the Northern Island the

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determination to shake off the British dominion has been steadily gaining ground. The agents of Government hear it everywhere avowed by natives that their desire is to humble the Government (*whakaiti te kawanatanga*), and to recover for the future Maori nation the sovereignty which they were, in their childish ignorance, beguiled to part with to Queen Victoria. The Waitara purchase has brought the Government front to front with the King party before the preparations of the latter were complete. To use the phrase employed by themselves in answer to the deputation from Taranaki, "the pa is not yet built."

A view of the present political state of the natives would be incomplete if notice were omitted of the part taken by the Ngatiruanui and Taranaki tribes, who inhabit the country extending from New Plymouth southward round the base of Mount Egmont, to the River Patea. These people have long cherished designs against the British settlers, and, as far back as 1853, invited Katatore, the Puketapu chief, to join them in an attack on New Plymouth. Katatore, much to his credit, firmly refused to be a party to an unprovoked atrocity, and disclosed the correspondence to the British authorities. These people have seized the occasion of the Waitara dispute to attempt the execution of their old project, which is nothing less than the extermination of the whites. They have commenced with murders alredy reported to the Secretary of State, and though happily repulsed with loss at Waireka, when on their way to attack the town of New Plymouth, they are, according to the latest intelligence, preparing for a fresh attempt.

That a war between natives and settlers would be of a most merciless character is probable, from the approbation which many of the Waikato natives express of the murders of defenceless settlers perpetrated by the Taranaki and Ngatiruanui tribes. These people have shown that they are still savages, as rapacious and bloodthirsty as their forefathers: May it not be justly feared that in a contest with the settlers the impressions produced on the natives by forty years of Christian teaching would be obliterated? Former wars had a chivalrous character which cannot be looked for in the impending struggle.

The colonists, as a body, are in no degree responsible, directly or through their representatives, for the existing state of affairs. They have never had the direction of native policy, nor have they dictated, or even suggested, the acts of the Imperial Government in its relations with the natives; but they approve of the stand made by his Excellency in the Taranaki case, and are naturally willing, as their present attitude proves, to risk life itself in the maintenance of the Queen's authority over the islands of New Zealand.

At the same time it is evident that the resources of so small a community are unequal to sustain, unaided, a prolonged war with the aborigines. Industrial pursuits would be brought to a stand-still. Under continued pressure, the better part of the population would drain off to neighbouring colonies, their places being supplied by lawless and desperate men from both shores of the Pacific. The colony, in a word, would be ruined. Nor would the natives themselves fare better. The contending forces would be nearly matched, and the weak cannot afford to be merciful. All modes of warfare would be deemed legitimate against a savage foe, and though the Maories might for a time gain the ascendant, their ultimate extermination would be a matter of certainty.

Justice, therefore, and humanity require that England should freely recognise the onerous duties cast upon her by the colonization of New Zealand. To avert calamities such as seem to impend it is indispensable to place at the disposal of the Governor a military and naval force adequate to support him in a policy of equal justice to the two races which have been placed by Providence in a relation to each other so singular and difficult.

C. W. RICHMOND.

APPENDIX No. 1.

Waitoki, Taranaki, April 10, 1860.

This is my message to Waikato, that Waikato may understand the character of this foolish work at Taranaki. I arrived here: and have ascertained the causes of this war. Enough of this.

Another word, my message is to Tikaokao, chief of Tongaporutu, to Te Wetini, chief of Tarariki, to Takerei of the Kauri, to Hikaka of Papatea, to Reihana of Whataroa, to Te Wetini of Hangatiki, to Eruera of Mohoaonui, to Te Paetai of Huiterangiora, to Heuheu of Taupo, to Paerata of the Papa, to Te Ati of Arohena, to Epiha of Kihikihi, to Ihaia of Hairini, to Hoani of Rangiawhia, and Hori te Waru, to Tamihana of Tamahere, to Rewi at Ngaruawahia—to all of you. You requested me to investigate the subject, and send you the truth, which is this. Friends, this wrong is William King's. Another wrong has been committed by Taranaki, greater than all the evils that have been done in the land.* Let your thoughts be true to the words (or pledges) given to me by you, and which we considered to be right. Friends, the work that you have to do is that which is right, and that only. Don't you look towards the foolish works of this land. Friends listen to me. Former days were days of error; the days that succeeded were days of truth. Let this be your only work, to obey the work of the Great Father in heaven, which is a line that has one end above and the other reaching down to the earth. That is the fighting for us. Be true to your agreement with me.

Friends, listen to me. The cause of this war is the land only. Not the King. Let not the evil spirit lead you into temptation.

From your true friend in the Lord,
From WI TAKO NGATATA.

No. 2.

SIR, New Plymouth, December 4, 1859.

I have the honour to inform you that on Tuesday 29th ultimo I paid an instalment of one hundred pounds to Teira and others for their land at Waitara.

On Friday the 25th ultimo I went to Waitara, to inform William King that I proposed doing so.

* This refers to the murders committed by the Taranakis at New Plymouth.

On Tuesday the 29th he came to town with a party of about thirty, to oppose it. I prevailed on them to meet Teira's party, and discuss the question, which was done in a very orderly manner, in the presence of a very large audience of Europeans.

W. King avowed his determination to oppose the sale, without advancing any reason for so doing. Upon which I put a series of questions to him, which I called upon the Rev. Mr. Whiteley to witness, viz.:—

Q. Does the land belong to Teira and party?

A. Yes; the land is theirs, but I will not let them sell it.

Q. Why will you oppose their selling what is their own?

A. Because I do not wish that the land should be disturbed, and though they have floated it, I will not let it go to sea.

Q. Show me the correctness or justice of your opposition?

A. It is enough; Parris, their bellies are full with the sight of the money you have promised them, but don't give it to them. If you do, I wont let you have the land, but will take it and cultivate it myself.

Teira stops in town since he received the instalment, considering it not safe to stop at Waitara.

I have the honour to be,
Sir,
Your most obedient servant,
(Signed) ROBERT PARRIS,
District Commissioner.

The Chief Land Purchase Commissioner,
&c. &c. &c.
Auckland.

No. 3.

Know all men by this book, we, chiefs of Waikato, do let go and sell these lands of ours to George Clarke, the Protector of Natives, for H.M. Victoria, Queen of England, her heirs and successors, whether male or female; the land, and all things that are or under this land, we sell to George Clarke, the Protector of Natives for an estate for the Queen, her heirs and successors, whether male or female, for ever.

The beginning of the northern boundary is at Tongapourutu, the western boundary is along the sea shore between Tongapourutu and Waitotara, and on the south beginning from Waitotara and going inland to Piraunui.

We receive these payments on behalf of the tribes of Waikato for their interest in the said land, one hundred and fifty pounds money, two horses, two saddles, and two bridles, one hundred red blankets.

Witness our names and signs, written in Auckland, on this thirty-first day of January in the year of our Lord one thousand eight hundred and forty-two.

(Signed) TE KATI.
TE WHEROWERO.

Witnesses,
(Signed) J. COATES.
GEORGE CLARKE, Sub-Protector.

True Translation. (Signed) THOMAS S. FORSAITH.

No. 16.

No. 16.

Copy of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 42.) Government House, Auckland, New Zealand, April 28, 1860.

(Received July 12, 1860.)

MY LORD DUKE, (Answered No. 54, Aug. 27, 1860, page 263.)

A PETITION has reached me at the last moment, numerously signed by natives residing at Otaki, the residence of Archdeacon Hadfield, calling upon Her Majesty to remove me, for my unwarrantable proceeding in purchasing Teira's land at Taranaki.

I retain this petition until the next mail, first, because the language is an evident translation from English; second, because a great proportion of the names are in a European's handwriting; and, third, because I desire to make some inquiries as to the genuineness of the signatures.

I have, &c.
(Signed) T. GORE BROWNE,
Governor.

His Grace the Duke of Newcastle,
&c. &c. &c.

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No. 17.

No. 17.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 43.)

Government House, Auckland, New Zealand,
April 28, 1860.
(Received July 12, 1860.)

MY LORD DUKE,

I HAVE the honour to enclose copy of a Report from Colonel Gold, informing me that he has marched with a large force to the south of New Plymouth with a view to inflict a severe chastisement on the two tribes who committed the murders on the 27th March, and attacked our troops on the following day.

I hoped he would have been able to land part of his force at a small bay called Te Ngamu, as indicated in the enclosures marked B, when he would have been able to prevent the retreat of the rebels towards the south; but he did not consider this scheme practicable.

I have, &c.
(Signed) T. GORE BROWNE.

His Grace the Duke of Newcastle,
&c. &c. &c.

Encl. A.

Enclosure A.

COLONEL GOLD to the GOVERNOR.

SIR, Tataramika, April 24, 1860.

I HAVE the honour to report that I proceeded with the force, as per margin, on the 20th instant, to this place, with the object of enabling the settlers to collect crops, &c., in this block, and also to be ready to march southward on the arrival of the detachment of the 40th regiment, daily expected, and which has since arrived (this morning).

Staff: 1 Colonel, 1 Captain, 1 S. Serjeant.
Royal Navy: 10 Officers and 136 Seamen and Marines.
Royal Artillery: 2 Officers, 2 Serjeants and 54 Gunners.
Royal Engineers: 1 Officer, 1 Corporal, and 6 Sappers.
65th Regiment: 3 Captains, 1 Sub, Staff, 15 Serjeants, 7 Drummers, 240 Rank and File.

On the 21st I proceeded (leaving 100 men in camp) with the remaining force, and four 24-pound howitzers, some ten miles down the coast. We came to several deserted native pahs, but found nothing defended within our reach, and abstaining, at the request of Mr. Parris, from destroying property, returned to camp. On yesterday parties were sent to collect the crops of the rebels near this, and also to assist the inhabitants with theirs.

This day we are forming an entrenched position on this the extremity of the Tataramika block, which the inhabitants may eventually occupy at night in case of alarms, and getting the ambulance carts repaired, which had both broken down.

To-morrow I intend to move with the whole force here, and a company ordered from New Plymouth, to the south, and I trust we shall in a few days give the Taranaki natives a wholesome lesson, and cause them for the future to have a wholesome dread of condign punishment, should they again venture to injure the property or persons of the European inhabitants.

At a pah near this a discharged soldier of the 58th regiment requested to come away with us; the natives were friendly, and I brought him with us. He has a regular discharge and parchment certificate of good character in General Wynyard's handwriting, and I hear no harm of him in any way. I have sworn him in as a militiaman, and he has given me valuable information with regard to the country.

I have, &c.
(Signed) C. E. GOLD,
Colonel commanding the Forces.

His Excellency
the Governor of New Zealand.

No. 18.

No. 18.

Copy of DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(No. 45.)

Government House, Auckland, New Zealand,
May 21, 1860.
(Received Aug. 10, 1860.)

My Lord Duke, (Answered, No. 72, Oct. 9, 1860, page 266.)

I have the honour to inform your Grace, that, owing to conflicting claims urged on account of former services in Her Majesty's forces, the difficulty of appointing officers to the Militia has been very great. Many declined to serve under any officer who might have been junior to them in the Royal Army, founding their objections on Lord Panmure's decision, communicated to me in Mr. Labouchere's Despatch, No. 61, of 7th August 1857.

Finding it impossible to reconcile these claims, my responsible advisers recommended that as the appointments are all made under the New Zealand "Militia Act, 1858," Sec. III., they should be made absolutely, and "without reference to rules applicable to other services." This was accordingly notified on the 18th April 1860, printed copy of which is enclosed.

I have, &c.

His Grace the Duke of Newcastle, (Signed) T. GORE BROWNE.
&c. &c. &c.

Enclosure in No. 18.

Encl. in No. 18.

By virtue and in exercise of the authority in me vested, I, Thomas Gore Browne, Governor of the colony of New Zealand, do make the following Regulations for securing the efficiency of the Officers of the Auckland Regiment of Militia:—

1. All appointments and promotions will be made with a view to the exigencies and efficiency of the Militia Service, without reference to rules applicable to other services.
2. Every Commissioned Officer, except Officers who have held commissions in Her Majesty's Army, or in the East India Company's service, before he can be appointed to a battalion or company, must procure from an officer appointed for the purpose of granting such certificates, a certificate to the effect that he is fully competent to perform the duties required of him.
3. No officer will be appointed to a battalion or company whose age exceeds that fixed for service by the Militia Act, viz. 60 years.

T. Gore Browne.

Government House, Auckland,
18th April 1860.

Notice.

His Excellency the Governor directs it to be notified, that, with a view to render the Auckland Militia efficient for immediate "actual service," if required, officers have been for some time actively engaged in dividing the regiment into battalions and companies, and fixing upon places of assembly; and, as soon as completed, notices of a place and time for training and exercise for each company will be given; but in the meantime his Excellency trusts that those liable to serve will, without waiting the expiration of the fourteen days notice required by law, attend at such times and places as the officers in command of battalions shall appoint; and His Excellency is pleased to direct that such time of attendance will be reckoned as part of the time which each militiaman is liable to attend for training and exercise under the Act.

H. C. Balneavis,
Deputy Adjt.-General.

Auckland, 18th April 1860.

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No. 19.

No. 19.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

Government House, Auckland, New Zealand,
(No. 49.) May 25, 1860.
(Received Aug. 10, 1860.)

MY LORD DUKE, (Answered, No. 55, Aug. 27, 1860, page 263.)

THE Bishop of New Zealand having addressed a letter to the Colonial Secretary on the subject of an Address presented to me by the Provincial Council of Hawke's Bay, my responsible advisers recommend that both the one and the other should be laid before your Grace, with some observations by themselves. I have accordingly the honour to forward them for your Grace's perusal.

The cordial support which I have received from my responsible advisers, and their avowed approval of the policy I have thought it my duty to pursue, have been most gratifying to me, and deserve my warmest acknowledgments.

I have, &c.

His Grace the Duke of Newcastle, (Signed) T. GORE BROWNE.
&c. &c. &c.

Encl. 1 in No. 19.

Enclosure 1 in No. 19.

Provincial Council Chamber, Napier,
March 20, 1860.

Resolved,—

That the Provincial Government of Hawke's Bay, ere it terminates its second session, is desirous of placing on record its full and entire sympathy with the province of Taranaki, at present under martial law, owing to the meddling of disaffected aborigines. That this Council also congratulates the province of Taranaki on the manly and self-relying spirit which evidently appears to animate the bosoms of its settlers, and on the very efficient aid so promptly rendered it by the Governor of this colony. And while heartily and unanimously thanking his Excellency for the same, and for his equitable and open declaration of policy, which this Council also sincerely believes to be both suited and beneficial for the entire interests of the province of Hawke's Bay, it further begs to be allowed to express the hope that such policy will be for the future everywhere alike steadily and zealously adhered to.

And that a copy of this Resolution be early forwarded by the Speaker of this Council to his Excellency the Governor, and to the Superintendent of the Province of Taranaki.

Encl. 2 in No. 19.

Enclosure 2 in No. 19.

Auckland, April 28, 1860.

To the Honourable HENRY JOHN TANCRED, acting for the Colonial Secretary.

SIR,

After reading in the New Zealand Gazette of the 23d April the Resolution of the Provincial Council of Hawke's Bay, passed on the 20th March 1860, I feel it to be my duty most respectfully to record my deliberate protest against the statements contained therein.

Resolution of Provincial Council of Hawke's Bay, 20th March 1860:—"The province of Taranaki, at present under martial law, owing to the meddling of disaffected aborigines."

Because martial law was proclaimed at Taranaki before a single native was known to have taken up arms against the Government, and when no offence had been given by the natives beyond an unarmed obstruction of the work of the surveyors.

"Disaffected aborigines."

Because the persons described in the Resolution as "disaffected aborigines" were the faithful and efficient allies of the Government in the war at Port Nicholson, and were always considered as among the most peaceable and industrious of the New Zealand tribes till they became entangled in the land questions raised by the English settlers at Taranaki.

Because, in entire opposition to the Resolution in question, I claim on behalf of the New Zealanders—

1. An investigation of all questions relating to their title to land before a regular tribunal, with the usual safeguards against partiality or error; viz., evidence on oath, arguments of counsel, and a right of appeal:

2. That military force shall not be employed till the civil power shall have been tried and shall have been found insufficient to carry out the judgment of the Court:

"a policy which this Council sincerely believes to be both suited to and beneficial for the entire interests of the province of Hawke's Bay."

3. That, inasmuch as this colony was avowedly formed, not for the acquisition of territory for the English race, but for the protection of the New Zealanders, this primary object shall not be sacrificed to the aggrandisement of the English provinces.

Because the willing and prompt surrender by the New Zealand tribes of millions of acres of land, including all the best harbours, for very trifling payments, deserves the respect and gratitude of the whole colony, and especially of the province of Hawke's Bay, where the extinction of the native title

has been unusually rapid, and where the greater part of the land was offered to the Government for sale in 1842, and declined for want of funds.

"It further begs to be allowed to express the hope that such policy will be for the future, everywhere alike, steadily and zealously adhered to."

Because, finally, I am so far from concurring in the hope "that such policy will for the future be everywhere alike steadily and zealously adhered to," that I believe that the repetition of any similar policy would be as unwise as it would be unjust, and would lead to the most disastrous consequences to the English colony, and to the native race.

I have, &c.
(Signed) G. A. NEW ZEALAND.

Enclosure 3 in No. 19.

Encl. 3 in No. 19.

MEMORANDUM by MINISTERS.

Auckland, May 25, 1860.

His Excellency's responsible ministers recommend that the letter recently addressed to the acting Colonial Secretary, Mr. Tancred, by the Bishop of New Zealand, in which his Lordship records his deliberate protest against the statements contained in a resolution of the Provincial Council of Hawke's Bay, be forwarded to the Secretary of State for the Colonies, together with the Resolution which called forth the Protest.

Ministers make this recommendation because the Bishop's letter is the only tangible manifestation of his Lordship's opposition to the course taken by his Excellency in reference to the purchase of Teiras block at Waitara; an opposition which is nevertheless open and active in the colony, and likely to be influential wherever the facts of the case are imperfectly known.

For the Bishop of New Zealand may claim to be regarded, in matters affecting the relations of the settlers and natives, as a disinterested witness,—a character which will (rightly or wrongly) be generally denied to colonists. It should, however, be remembered, that the philanthropist, notwithstanding the high ground he takes, which gives him perhaps an undue advantage in public opinion over those who are discharging the ordinary duties of life, is often found to be liable, even beyond other men, to the disturbing influences of prejudice and passion. The Abolitionists of North America, for example, are certainly disinterested; but few statesmen will hold that they take a sober and just view of the great question of humanity to which they have devoted their lives.

It is not easy for supporters of his Excellency's policy to meet an attack so indirect as that which his Lordship the Bishop has made in the protest under consideration. Notwithstanding that his Lordship styles the document "his deliberate protest," it ought probably to be regarded rather as the outbreak of irrepressible feeling, than the expression of calm and matured opinion; and it is for that reason, but only for that reason, difficult to meet it at all points with a logical reply.

The real matter of the protest is contained in its third clause, which is as follows:—

"Because, in entire opposition to the resolution in question, I claim on behalf of the New "Zealanders—

"1. An investigation of all questions relating to their title to land before a regular tribunal, "with the usual safeguards against partiality or error; viz., evidence on oath, arguments of counsel, "and a right of appeal:

"2. That military force shall not be employed till the civil power shall have been tried, and shall "have been found insufficient to carry out the judgment of the court:

"3. That inasmuch as this colony was avowedly formed, not for the acquisition of territory for "the English race, but for the protection of the New Zealanders, this primary object shall not be "sacrificed to the aggrandisement of the English provinces."

Looking to the whole tenor of the Bishop's letter, and to the attitude of open opposition to the Governor which his Lordship has unfortunately assumed in reference to the Waitara land question, his Excellency's ministers have no hesitation in treating the three sub-divisions of the clause as really meaning—

1. That William King's right was not fully and fairly inquired into.
2. That military force was prematurely employed to take possession of the land at Waitara.
3. That the interest of the natives of the Taranaki district has been sacrificed in the transaction to the interest of the European settlers.

It is proposed to reply to these charges in succession, adverting to various collateral topics.

First. In answering the charge that the right of King was not duly investigated, ministers would, in the first place, refer to their memorandum of April 27, 1860, as showing that the negociations for the purchase of the block in question were carefully conducted, and unusually prolonged.

Secondly. It is to be observed that William King has never put forward any proprietary or other claim, of a nature that could be recognised by the British Government, to the land on the south bank of Waitara. A few words will here be necessary to call the attention of the Secretary of State to the position which has been taken by the British Government in reference to the Taranaki land question, and to explain the true nature of King's pretensions.

Governor Sir George Grey, on occasion of his visit to New Plymouth in 1847, distinctly repudiated the claim of the Atiawas who had returned, or might return, to Taranaki, to anything beyond fair compensation for the value, as wild land, of the block comprised in Mr. Commissioner Spain's award, after proper reserves should have been made for them. Accordingly, his instructions to Mr. McLean (the present Chief Land Purchase Commissioner), which bear date March 5, 1847, after directing that ample reserves should be made, and not exceeding 1*s.* 6*d.* per acre offered for the residue of the block, declare, that "those natives who refuse to assent to this arrangement must

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" distinctly understand that the Government do not admit that they are the true owners of the land " they have recently thought fit to occupy." Parliamentary Papers, Dec. 1847, p. 12.

Notwithstanding this explicit declaration, which accords with what Governor Grey had previously announced to the natives at his interviews with them (see his despatch to Earl Grey, *ibid.* p. 4), he thought proper (probably on grounds of policy) to acquiesce in the assertion of proprietary rights by the ancient occupants; and the precedent thus set has been followed by his Excellency the present Governor. On occasion of the Waitara purchase, the proprietary right has been respected in the persons of Te Teira and the other members of his section of the tribe, who will be paid at the rate of nearly 20*s.* per acre for the land they cede. King fully admits their rightful ownership, and opposes the sale on another ground.

The right set up by King is simply the old title of the Maori chief—the right of the strong arm—which he asserts under quite novel circumstances. At the meeting in March 1859, when Teira's offer was accepted by the Governor, King plainly took this stand: "Waitara," said he, "is in my hand; I will never let it go:" thus defying Governor Browne, as he had before defied Sir George Grey. It is well known that when King in 1848 deserted his pa and cultivations at Waikanae, and was moving northward to Taranaki, Sir George Grey forbade him to settle on the south bank of Waitara. But King, having first obtained the leave of Raru Teira's father to build his pa on the south bank, disregarded the Governor's prohibition, and now pretends to claim Waitara in virtue of a species of conquest achieved by his defiant return.

The European apologists of King, as might be expected, are not satisfied with the naked simplicity of this claim, but have continued a more elaborate and technical defence. By a strange jumble of Maori customs with the feudal notions of English law, they assert that King is now entitled in Taranaki to what they call a "manorial right"—a species of minor sovereignty—over the whole district. This right, they assert, has survived the migration to Cook's Strait of King's section of the Ngatiawa, which they declare was voluntary, and not in fear of the northern tribes, and which took place at least 20 years before King's return. Being based upon neither the English law nor the Maori rule, but upon a compound of the two, uniting the advantages afforded by either law to antiquated claims, this right is supposed to be also unaffected by the Waikato conquest, the subsequent slavery or dispersion of the remnant of the tribe, and the transfer of the title of the conquerors to the British Government. Nor is it prejudiced by the fact (vouched for by Mr. Spain) that Colonel Wakefield's original treaty for the purchase of the district was entered into, with the approbation of some and with ample notice to all of the Ngatiawa chiefs, including King's own father. Every other claimant, it is admitted, has been satisfactorily dealt with; but in virtue of this shadowy pretension, King, it is asserted, is now justified in putting his veto upon the cession of the rights of the ancient Ngatiawa occupants of Waitara, in refusing all propositions for the settlement of this long vexed question, and even in armed resistance to the British Government.

Considering the position assumed by Sir George Grey upon the Taranaki land question, and that nothing has ever been put forward by King, or on his behalf, but pretensions which are either insolent or flimsy, it will scarcely be thought that his claim admitted of elaborate investigation. Had he set up any right of ownership, it would doubtless have been carefully looked into by the experienced officers entrusted with this duty. But King has repeatedly disclaimed any such right, and admitted Teira's proprietary title. This has been shown at large in Ministers' memorandum of April 27, 1860, already cited.

The question of King's rights over Waitara, it will be observed, is a special one, and is quite independent of the vexed question of the right of Maori chiefs over the lands of the tribe, which is probably incapable of any general solution. It may be true, as is alleged, that where a tribe has a recognised head, such head has, according to Maori usage, a power distinct from any right of ownership of prohibiting the alienation of any part of the lands occupied by members of the tribe. The question does not, it is repeated, arise in the present case, or it would deserve consideration how far the exercise of such a right is consistent with the stipulations of the treaty of Waitangi, whereby the chiefs, parties to the treaty, "yield to Her Majesty the exclusive right of pre-emption over such lands " as the proprietors thereof may be pleased to alienate, at such prices as may be agreed upon " between the respective proprietors and persons appointed by Her Majesty to treat with them on " their behalf."

Thirdly. As is partly implied in what has been already stated, the facts of the case were not known, simply, but notorious, and undisputed. On this ground, therefore, no elaborate investigation was requisite; and the purchase might, without blame, have been speedily concluded, though in fact its transaction occupied eight months.

Lastly. The matter, it has been already shown, was to all intents and purposes *res judicata.* But had this been otherwise, a trial " with the usual safeguards against partiality or error, viz., evidence " on oath, and arguments of counsel," would, under the circumstances, have been something more ludicrous than has yet been seen in our public dealings with the New Zealanders,—which is saying a great deal. To suppose that King would have submitted himself to the jurisdiction, would be a piece of such pure simplicity that it is impossible to imagine that the Bishop of New Zealand really believes he would have done so.

As regards his Lordship's claim, on behalf of the New Zealanders, of a regular judicial investigation of all questions relating to their title to land, his Lordship's anxiety to see such a tribunal established, and rendered effective, cannot exceed that of the Governor and his Ministers. All persons at all acquainted with the affairs of New Zealand are aware, that the difficulty in the way of the establishment of such a tribunal lies with the natives themselves. One of the grounds lately assigned by the Imperial Government for witholding the Royal Assent from the "Native Territorial " Rights Bill, 1858," was the likelihood that the award of the Governor in Council, or of such

tribunal as his Excellency in Council might appoint for the investigation of native title, would not be acquiesced in by the contending parties.

The New Plymouth case is a particularly unfortunate one in which to advance the claim for forensic discussion and investigation, since Mr. Commissioner Spain's award was made after precisely such a trial as his Lordship, with characteristic emphasis, now demands on behalf of the New Zealanders. Mr. Spain's decision was, it is known, utterly disregarded by the natives, and their turbulent conduct induced Governor Fitzroy to set it aside. The Bishop must be aware,—certainly no one else in the country is ignorant,—that the natives in their present state, though ready to take advantage of favourable decisions upon such questions, would never voluntarily submit to an adverse one. The investigation of the native title to land offered for sale has been left to officers of the Executive Government, partly because, from the habits of the natives, the truth can be better got at by desultory conversations and examinations extending over a long space of time than by the peremptory procedure of a Court of Law; partly because reasons of policy ought to be taken into consideration by Government, which could not be admitted as elements in the decision of a judicial officer. The flexible practice of the Land Purchase Department (which is under the direct control of the Imperial Government) admits of concessions to the natives not justifiable on any ground of strict principle. It cannot be unknown to the Bishop that the arrangement of which he complains is beneficial to the interest of the natives,—if indeed it be beneficial (as his Lordship generally appears to think it) to yield to them on almost every occasion upon which there is any show or likelihood of resistance or dissatisfaction on their part.

See Pastoral Letter of the Bishop of New Zealand to the Members of the Church of England at New Plymouth, 1855.

The purchase of the Bell block at New Plymouth was a transaction in which the methods of investigation pursued did not differ from those adopted in the instance of the Waitara block. Yet his Lordship, while he condemns the present transaction as concluded upon insufficient inquiry, has in a pastoral letter signified his complete approval of the manner in which the Bell block was acquired.

II. The second charge is, that military force was prematurely resorted to. The facts are shortly as follows. The party which attempted the survey on the 20th of February was met by from 70 to 80 of William King's natives, who seized the survey instruments. A short struggle ensued, in which a native who accompanied the survey party struck down one of King's men. The District Land Purchase Commissioner, Mr. Parris, thereupon rushed in to prevent further collision and probable bloodshed, and directed the surveyors to retire. Unquestionably, the interruption of the surveyors was a formal act of defiance on the part of the natives. On the 4th of March, the block was occupied by the troops—not as a military operation against King, but in support of the civil power. As to the proclamation of martial law, that was a measure of precaution, rather intended to restrain, if necessary, the European population, than directed against the natives. Actual force was not used until a fighting party of King's people had erected a pa, and danced the war dance upon the disputed ground, and had contemptuously rejected a summons by the officer in command to evacuate the pa.

Immediately after the offer of land to the Governor in March 1859, King wrote to the Waikatos for aid in resisting the sale of the block; and, before the troops moved to Waitara, he had prepared two strongly fortified pas, well stored with mmunition, and had sent letters to all parts of the country requesting support. It will scarcely be believed that King would have proved amenable to the civil authority when he had thus been actively prepared for armed resistance to Her Majesty's Government. And surely it is blind unreason to expect that a Maori Chief, with a hundred or two of armed followers, prepared to do his bidding whatever it be, and who has set at defiance successive Governors, can or ought to be dealt with in all respects as a loyal and peaceable citizen.

III. Upon the third and last head, ministers remark that the interest of the natives, no less than that of the colonists, requires the settlement of the land question in Taranaki, which has been an open sore for sixteen years. Sir George Grey, in his despatch to Earl Grey, of 2nd March 1847, remarks, "These individuals (of the Ngatiawa in Taranaki) have been quar- "relling among themselves regarding their respective claims, and, in order that there might "be much to pay for, have prevented the Europeans occupying any additional land, although "many hundred thousand acres of the richest soil are lying perfectly neglected and useless, "whilst many European families have been left in comparative want. Indeed the inability "of the natives to adjust their respective claims now makes them unwilling to allow the land "to be sold at all, and they constantly assert that those natives who wish to sell land have "no right to dispose of it." Such is the testimony of a dispassionate witness. The quarrels to which Sir George Grey alludes have gone on increasing in bitterness, till, in 1854, they resulted in bloodshed, and the peace of the province ever since has been more or less disturbed by native affrays.

Parliamentary Papers, Dec. 1847 page 2.

Referring to a temporary cessation of these hostilities in 1859, a recent intelligent writer on New Zealand observes, "The feud, however, is not settled; the cessation of hostilities is more an armistice "than a peace, and its permanence will only be secured by the Government purchasing the disputed "lands." (Story of New Zealand by A. S. Thompson, M.D., vol. ii. page 259.) His Excellency's Ministers entirely concur in this opinion.

A few minor topics touched on in the protest ought not to pass wholly unnoticed. His Lordship extols the loyalty of King and his people, and deplores their entanglement in the land question raised by the English settlers at Taranaki. Of the truth and fairness of the reflection upon the settlers let any one judge who has perused the reports of Mr. Spain and the correspondence of Sir George Grey on the Taranaki land question. As to King's alleged services against Rangihaeata, their value is very questionable. It is certain that King absolutely refused to join the Ngatiawa of Port Nicholson in the pursuit of the rebel chief, and that in consequence the latter made good his retreat

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to his stronghold at Porontawao. King's attitude throughout the war was little, if at all, more favourable to the British Government than that of an armed neutral. More perhaps could not be expected of him, but it is absurd to extol him as a faithful and efficient ally. His fidelity was doubtful; his efficiency is altogether denied by those who were serving with him. See the Reports (passim) of Mr. Servantes and Major Durie in the Parliamentary Blue Book in continuation of papers presented 26 August, 1846.

King's position at Waitara has been one of pure hostility to the interests of the settlement, of which he has been occupying a part of the destined site—a hostility unattended by the least advantage to himself or his followers, and which has, on the contrary, plunged the district into a series of disastrous feuds.

Upon the vast tract of fertile land which he and his party have been the principal means of withholding from the industry of the European settlers, the thistles now stand, in many places, so thick that a horseman cannot pass, and the seed may be seen blowing along the ground like snow. Allowance may and ought to be made for a savage who clings to his savage life, and to the beautiful wilderness which he cannot use, but has always been free to roam over. But it is worse than injudicious to hold him up as a benefactor entitled to the grateful feelings of the English settlers. Such unjustifiable exaggerations evidently tend to excite sentiments the very opposite of those which they purport to inculcate.

More important than these trifling indications of his Lordship's constant bias, is the declaration that the colony was avowedly formed for the protection of the Maories, and that this remains, of right, the primary object of the British policy in these islands, to which every other is to be sacrificed. It is believed there is no sort of authority for such a doctrine;—successive Secretaries of State, beginning with the Marquis of Normanby, having declared that the equal benefit of both races was the motive for assuming the sovereignty of the islands.

The true state of the case is clearly expressed by Lord Stanley in his despatch to Governor Sir George Grey, dated 13th June, 1845: "You are aware," his Lordship writes, "that the colonization of "New Zealand was not the spontaneous act of the Queen's Government, but was forced on them as "the only means of averting the evils with which the unauthorized settlement of Her Majesty's "subjects there appeared to threaten the inhabitants, whether European or aboriginal."

But holding as they do that the preservation and civilization of the native race, and the promotion of the settlement of this country by Europeans, are objects of policy, not merely compatible, but in the present circumstances of the Colony inseparable the one from the other, his Excellency's responsible ministers consider that the controversy opened by these expressions of his Lordship the Bishop is idle and mischievous.

If his Lordship desired to arouse and stimulate the hatred of race, he could not do so more effectually than by such assertions as are scattered, with a profuse hand, over the short document under consideration. Once let it be understood that the interest of the settlers is to be subordinated to that of the natives, and a war of races is inevitable. Earl Grey has rightly said that such a struggle once commenced could hardly close except by our abandonment of the islands in disgrace, or the extirpation of the aboriginal inhabitants.

Earl Grey's Colonial Policy, vol. ii. p.137.

The insinuation that the war is one of aggrandisement, that it is undertaken for the sake of acquiring territory, is quite untrue. The proceedings which have led to it were under the immediate superintendence and control of the Governor. His Excellency will confirm the statement that those proceedings were not, at any stage, urged upon him, or so much as suggested to him, by his responsible ministers. Nor was there, previously to the commencement of the war, any manifestation of public feeling on the subject of the dispute between the Governor and Wm. King. It would be absurd to suppose that his Excellency could be actuated by the motive imputed. And it must appear almost equally improbable, to any person who calmly reflects on the matter, that the colonists, or their representatives, should willingly incur the risks and submit to the sacrifices of a Maori war for the sake of a few hundreds of acres in the least important province of New Zealand. Other motives must be sought for to explain the general support which his Excellency has received in the colony upon the present occasion.

There is in New Zealand a small and happily decreasing party, who, to benefit as they suppose the native race, would willingly check what is invidiously styled, "the aggrandisement of the English provinces." Their apprehensions for the future (which seem to blind them to the danger and even impossibility of a continuance of the present relations of the races) are aggravated by the low conception they have formed of the general motives and objects of their fellow-countrymen in New Zealand. Moving, as these gentlemen for the most part do, in a narrow social circle, and mixing little with the settlers,—having, moreover, their feelings and energies concentrated upon one great, and, in itself, most noble object,—it is not wonderful that they should do but scant justice to the motives of the colonists. On behalf of their fellow settlers, his Excellency's ministers would represent to Her Majesty's Imperial Government, that the grand desire of the British colonists in respect to the natives is, not the appropriation of the native territory, still less the destruction of the race, but it is to see the Maori people rendered amenable, in their dealings with the settlers, to British law. The restless instinct of progress, the love of wealth, the hatred of race, are all no doubt motives at work in the country, and against the indulgence or the excess of these strong passions the Government is bound to be upon its guard. But stronger, and more universal, and more inevitable than all these feelings, is the desire which animates the public mind, that all the inhabitants of New Zealand should be subjected, in their mutual dealings, to the control of one equal law. This is a natural and praiseworthy desire, and, if duly regulated, must be conducive to the good as much of the natives as of the colonists.

The addresses which have been presented to the Governor since the commencement of the war,

justify these representations. Under accumulated provocations, the contemptuous defiance of Her Majesty's authority, the ruin of one British settlement, the most serious injury to several others, the interruption of the advancing prosperity of all,—under the natural indignation caused by cold-blooded murders perpetrated upon unarmed men and young boys,—the settlers of New Zealand still restrain their passions, and confine themselves to the prayer that the majesty of the law may be vindicated, and the authority of the Queen upheld.

Perhaps those only who have lived as settlers, surrounded by a Maori population, are able to realise the intensity which the desire expressed by these addresses can attain among Englishmen so situated. In his intercourse with the natives the colonist is exposed to daily provocations. His cattle, for example, stray from his paddocks; he follows them to a neighbouring pa, and is compelled to redeem them by an exorbitant payment. In the course of the altercation a musket is perhaps pointed at him, or a tomahawk flourished over his head. On the other hand, should he try the experiment of driving native cattle to the public pound for trespass on his cultivations, a strong party of Maories, with loaded muskets, breaks down the pound and rescues them. He has to maintain party fences without contributions from his Maori neighbour. Herds of native pigs break through to his crops. The dogs of the pa worry his sheep. To save his own farm he has to pay for the extirpation of thistles on the neighbouring native land, hundreds of thousands of acres of which lie waste and worse than useless around his homestead. Redress in the courts of law is not to be obtained, because it would be dangerous to the peace of the country to enforce the judgment. On the other hand, natives freely avail themselves of their legal remedies against Europeans. At the present time a trader lies in the Auckland gaol under arrest for debt at the suit of a native chief. About a year ago this same European had a judgment for a large amount against the native who has now imprisoned him, which he was of course unable to enforce by execution.

Men of great judgment, tact, and courage, and of a commanding type of character, may get on well with their Maori neighbours, but even these sometimes fail, and such men are the exceptions in every country. Missionaries, again, may take refuge in mere passiveness; their calling permits it without reproach. A missionary is wronged, and he submits, and there is an end of it. But the settler cannot do the like without loss of self-respect; and to him the petty provocations and injuries to which he is subjected are rendered galling by the sense that he is compelled to bow to the will of an armed, lawless, and insolent mob.

There is a reverse to the picture which has been drawn of the wrongs of the settlers. Much might be said of frauds practised by European traders, of wanton insults offered to natives by the lower class of settlers, and of other inconveniences which have followed from the settlement of the country. Nor would it be wise to expect that an uncivilized people should at once conform to the usages of strangers who have come to plant settlements amongst them. But freely admitting the whole of what may be said on these points, it is still true that the strong desire of the colonists for the thorough establishment of British authority is natural and laudable, and that its fulfilment, if attained by no violation of the laws of humanity and justice, will conduce to the benefit of both Europeans and natives.

It is because the decisive action of his Excellency the Governor appears to the colonists adapted ultimately to secure this great and happy result, that they are not merely reconciled to the heavy present sacrifices it entails upon them, but prepared to give the Imperial Government their most active support in suppressing the existing rebellion. His Excellency's responsible ministers concur in this general opinion and determination, and now express their expectation that his Excellency's policy, though beset with unavoidable and accumulated difficulty, will be recognized and supported as neither unwise nor unjust, nor likely to prove disastrous to either race, but that it will be seen to have been on the contrary, dictated by a due regard to the welfare of New Zealand and the dignity of the Crown, and of necessity to have been in strict accordance with those just principles which have hitherto regulated the conduct of the British Government in these islands.

C. W. Richmond.

To His Excellency Colonel Thomas Gore Browne, Governor New Zealand.

Otahuhu, April 23, 1860.

We, the undersigned settlers, residing chiefly in the Otahuhu and neighbouring districts, beg respectfully to express to your Excellency the confidence we feel in the measures you have taken to put down the rebellious natives who have appeared in arms against the Queen's authority in Taranaki.

We make no doubt but that ere long these offenders will receive that punishment which they have so richly deserved.

We also take the opportunity of stating that your Excellency may rely on our services at any moment you may think fit to call for them, and we believe that not only those who have signed this paper, but that all good and loyal settlers will answer most promptly to the summons.

We feel confident that your Excellency will not relax your efforts until the Queen's undivided authority is acknowledged and submitted to over the whole of the islands of New Zealand, so that justice may be administered equally both to the English and native population.

(Signed) M. G. Nixon.
(And here follow 77 more signatures.)

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To his Excellency Thomas Gore Browne, C.B., Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and Vice-Admiral of the same.

May it please your Excellency,

THE troop of Auckland Volunteer Cavalry Guards unanimously desire to express to your Excellency the great gratification with which they have heard of the determination of your Excellency to cause energetic steps to be taken effectually to suppress the treasonable outbreak at Taranaki, and to uphold the sovereign rights of our most gracious Queen in New Zealand.

They believe this gratification is shared in by a vast majority of their fellow-colonists; and assure your Excellency, that, should the course which your Excellency has taken, and expressed your determination to pursue, require the active action of the colonists, the service which this troop has placed at your Excellency's command will be heartily rendered in the vindication of an unswerving maintenance of the honour and rights of the Crown.

(Signed) THOMAS BECKHAM,
Captain commanding Auckland Volunteer Cavalry Guards.

"City Company of Auckland Volunteer Rifles."

Auckland, May 2, 1860.

To his Excellency Colonel T. GORE BROWNE, Governor of New Zealand, &c.

May it please your Excellency,

THE "City Company of Auckland Volunteer Rifles" unanimously desire to express to your Excellency the great gratification with which they have read of the determination of your Excellency to cause energetic steps to be taken effectually to suppress the treasonable outbreak at Taranaki, and to uphold the sovereign rights of our most gracious Queen in New Zealand.

They believe this gratification is shared in by a vast majority of their fellow-colonists, and beg to assure your Excellency that, should the course which your Excellency has taken, and expressed your determination to pursue, require the active assistance of the colonists, the service which this company has placed at your Excellency's command will be heartily rendered in the vindication of an unswerving maintenance of the honour and rights of the Crown.

In the name and by appointment of the Company.

(Signed) MICHAEL KEILEY,
Lieut. Commanding City Co. A. V. R.

J. M. CLARK,
2d Lieut. City Co. A. V. R.

ADDRESS of the Provincial Council of Canterbury now in session.

To his Excellency Colonel Thomas Gore Browne, C.B.
&c. &c. &c.
Governor of New Zealand.

May it please your Excellency,

THE members of the Provincial Council of Canterbury assembled in council desire to express their deep sympathy in the trying circumstances surrounding your Excellency by reason of the violence and insubordination of a portion of the Maori population of the North Island.

While they express their thankfulness to the Almighty for having cast their lot in a portion of the colony in which they are spared the infliction of the personal consequences of a like revolt, they feel that their provincial prosperity depends in a great measure upon the maintenance of peace and good order in the colony at large.

Entirely confiding in your Excellency's judgment, and in your determination to uphold the authority of the Crown, the members of this council desire to assure your Excellency of their willingness to co-operate with you to the utmost of their ability in the assertion of that authority, and to bear their share of the burthen which, under unlooked-for and adverse results, may possibly fall upon their fellow colonists in the North; and while they do not doubt that many of the young men in this province are ready to place themselves at your Excellency's disposal, in case of need, they believe that some portion of the difficulty you experience may be removed by a proposal on the part of this province to afford an asylum to those of the out-settlers in the province of Taranaki, who, driven from their homes, may be exposed to inconvenience and sufferings in consequence of being forced into the town for shelter, and which its limited accommodation is not capable of affording to them.

Should these troubles increase, the council offer, in the name of the settlers of Canterbury, the protection of their province, as they are ready to provide an immediate asylum for those women and children who may be cast upon your Excellency's care.

In conclusion, this council earnestly trusts that the efforts which your Excellency has so laudably made in the extension of civil institutions suited to the wants of the native population, may ere long be appreciated by them, and that the present resistance to your authority may speedily give place to

the conviction that under your rule the British Crown desires only to form one people, under one law, of the colonists and the native tribes.

By order of the Provincial Council.

Canterbury, March 1860. (Signed) CHARLES BOWEN, Speaker.

To his Excellency Colonel THOMAS GORE BROWNE, Companion of the most Honorable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's colony of New Zealand, and Vice-Admiral of the same, &c. &c. &c.

The humble Memorial of the Provincial Government and settlers of Taranaki.

Sheweth,

THAT rumors have reached this settlement from Auckland that strenuous efforts are being made by several influential persons to bring about a premature peace between your Excellency's Government and Wiremu Kingi, on terms which would place the British population of Taranaki in a more humiliating attitude than the one they occupied before the commencement of the present hostilities.

That for many years, and especially since the murder of Rawiri Waiana, the settlers of Taranaki have felt the insecurity of their position in face of a jealous native population, which has never been thoroughly subjected to British authority.

That when your Excellency took up arms to assert Her Majesty's supremacy, the whole British population here cordially tendered their support. They knew the dangers and privations they would have to encounter, but they were cheered by the hope that they would emerge from the war free from future insecurity.

That the settlers of Taranaki have well sustained their promise, as has been warmly acknowledged by your Excellency. They have had their homes devastated, and their fellow settlers and their children murdered by hordes of savages brought from Taranaki and Ngatiruanui at the instance of Wiremu Kingi. They have been compelled to abandon to the chances of a savage war their well cultivated farms, and their numerous flocks and herds. To secure the safety of their families they have had to endure the deprivations and discomforts of a crowded town, and the deportation of their wives and children. They trust this endurance may meet its reward at the hands of your Excellency. They are still prepared to brave, as they have braved, the inevitable dangers and trials which a continuance of the war will entail, but they entreat your Excellency to consider the position in which they would be placed by anything short of a complete establishment of the Queen's authority. Many would rather abandon the hearths for which they have lately fought, to commence again the arduous labours of founding a new home, than run the risk of being again subjected to the domination of a savage race.

That the opposition of Wiremu Kingi to the sale of Teira's land has been uniformly based by him, not on any unsatisfied claim on the said land of his own or of any other member of the tribe, but on his pretensions as a chief to control the sale of all lands belonging to his tribe. The exercise of such authority, with the consequences necessarily flowing from it, is incompatible with Her Majesty's sovereignty in this colony, and most fatal to the interests of both races.

That the present war has been undertaken by your Excellency in consequence of your determination to uphold Her Majesty's supremacy in opposition to the aforesaid rights claimed by the chiefs of tribes; and the conclusion of any peace with Wiremu Kingi, or any other native chief, by which the aforesaid pretensions are not finally annulled, would therefore, in the opinion of your memorialists, be tantamount to a declaration that Her Majesty's supremacy cannot be maintained in these islands.

Your memorialists therefore pray that your Excellency will not make peace with Wiremu Kingi upon any terms in the least compromising the Queen's supremacy; and that, as regards the Taranaki and Ngatiruanui natives, that no peace will be made with them until they have been severely punished for the barbarous murders committed by them upon unoffending and helpless settlers, and that compensation will be exacted from them for the ruinous losses sustained by the settlers in the marauding expedition of these natives.

(Signed) G. CUTFIELD, Superintendent.

New Plymouth, Taranaki, April 25, 1860. (And here follow 22 more signatures.)

To his Excellency Colonel T. GORE BROWNE, C.B., Governor of New Zealand, &c.

May it please your Excellency,

The Provincial Council of the province of Wellington seizes the earliest opportunity after an adjournment, respectfully to express to your Excellency its earnest hope that the most vigorous measures will be taken to suppress the native rebellion against the Queen's authority at Taranaki, and its deep sympathy with those colonists who have suffered thereby in life, health, and property.

While this Council cannot venture to decide on the expediency, or to conjecture the probable result of all the details of the military operations hitherto pursued for the quelling of that rebellion or punishment of barbarous murderers, it confidently trusts that your Excellency will persevere in

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the most efficient and unceasing efforts to compel the just fulfilment of the treaty of Waitangi, to inflict severe chastisement on the murdering invaders of our territory, to maintain the undivided authority of Her Majesty the Queen throughout this colony, and to place every portion of it in a position to defy any future attack that might be designed. For these objects the Council believes that it agrees with every legal subject in assuring your Excellency of its cordial co-operation and support.

(Signed) GEORGE HOST, Speaker.

Council Chamber, Wellington,
May 16, 1860.

To his Excellency Colonel THOMAS GORE BROWNE, C.B., Governor and Commander-in-chief in and over Her Majesty's Colony of New Zealand and its dependencies, and Vice-Admiral of the same.

Whanganui, April 19, 1860.

WE, the undersigned inhabitants of Whanganui and district, desire to express our warm approval of the policy pursued by your Excellency in the native disturbances existing in Taranaki. We regard the grounds on which your Excellency has taken up arms to be just and necessary, and respectfully assure your Excellency of our cordial support (should we be called upon) to measures calculated by a just and firm determination to convey a lesson to the disaffected which may speedily end the present and prevent future outbreaks of the native population of these islands.

(Signed) D. S. DURIE, R.M.
(and by 245 others.)

Copies of Resolutions.

Nelson, April 23, 1860.

1st. That the meeting entirely approves of the decision with which the Government has acted in confronting a native rebellion at Taranaki, and trusts that it will make no peace excepting on the terms of the unconditional submission of the rebels, on which basis alone the meeting believes that any peace must be founded, if it is to be lasting.

2d. That whilst desirous of being on friendly terms with the Maories, and rejoicing in every instance of their progress in civilization and material comfort, this meeting considers that it is no less due to them than to the British colonists that proceedings on the part of any of them subversive of all natural justice and moral law, and leading as at Taranaki to bloodshed and destruction of property, should be promptly and decidedly punished by the Government.

3d. That copies of the above resolutions be forwarded to his Excellency the Governor and to his Honour the Superintendent of Taranaki.

(Signed) LLEWELLYN NASH, Chairman.

To his Excellency Colonel THOMAS GORE BROWNE, C.B., Governor and Commander-in-chief in and over the Colony of New Zealand and its dependencies, &c. &c. &c.

The inhabitants of Auckland and its neighbourhood, in public meeting assembled, on the 19th May 1860, beg respectfully to assure your Excellency of the full concurrence which is felt and the support which will be given by the inhabitants of the province of Auckland to your Excellency in the continuance of the pursuit of a firm and rigorous course of action in supporting the individual rights of Her Majesty's subjects, whether British or Maori, in the colony, and in vindicating the supremacy of the Queen's authority in New Zealand.

(Signed) ROBERT GRAHAM, Chairman.

To the QUEEN'S Most Excellent Majesty.

The humble Petition of your Majesty's dutiful and loyal Subjects resident in the Province of Auckland, in your Majesty's Colony of New Zealand, respectfully showeth—

That your Majesty's loyal and dutiful subjects beg to approach your Majesty with assurances of their unshaken allegiance and devotion to your Majesty's Royal Crown and Person.

That your Petitioners have emigrated from various parts of your Majesty's dominions to the North Island of New Zealand, in the full assurance of the maintenance of the supremacy of your Majesty,

and in the belief that your Majesty would graciously protect and encourage them in the peaceful pursuits of trade and industry.

That your petitioners have at all times been anxious to preserve the most friendly relations with the aborigines of this island.

That your petitioners bear testimony to the justice and benevolence, in relation to the Maories, which have characterized the administration of your Majesty's representative in this island.

That the treaty of Waitangi, by which the native chiefs ceded the sovereignty of the islands of New Zealand to your Majesty, has been most scrupulously maintained on the part of your Majesty with reference to your Majesty's aboriginal subjects.

That whilst no other assistance has been rendered to the colonists than that usually given in all your Majesty's colonies, your Majesty's representatives, animated by your Majesty's benevolence, have, by loans of public monies from the colonial revenue, assisted your Majesty's aboriginal subjects to erect flour mills, to purchase vessels, and in various ways to engage in trade and agriculture.

That it is the belief of your petitioners that many of your Majesty's aboriginal subjects have latterly misinterpreted these evidences of your Majesty's benevolence, and, instead of regarding them as the manifestations of your Majesty's interest in their welfare, have long ceased to consider them in any other light than the tribute which weakness pays to power.

That a growing contempt for your Majesty's authority has for some time been manifested by the Maories, to which the patient forbearance of your Majesty's representatives, and the small number of troops stationed in this island, have not a little contributed.

That this unhappy feeling is evidenced by the fact that the Maories have lately stopped your Majesty's mails, and have grossly insulted your Majesty's representative (Governor Gore Browne); that by electing a king, to whom they have transferred their allegiance, they have combined to exercise sovereign rights over large territories in order to prevent the sale of lands by individual tribes or persons to your Majesty's representative, thereby violating the treaty of Waitangi.

That your petitioners believe that the present outbreak at Taranaki is a natural consequence of such violation of the treaty of Waitangi.

That for the maintenance of your Majesty's supremacy, and for the defence of their lives and property, large numbers of your Majesty's subjects in this province of Auckland have formed Volunteer Companies of Rifle and Cavalry, and that your Majesty's representative has further made a levy en masse in the parts of this province most likely to be endangered, and to which almost the whole population capable of bearing arms have loyally and cheerfully responded.

That in consequence of this unsettled state of affairs the trade of your petitioners is suffering severely; that large numbers of people are leaving the colony; and that unless your Majesty's supremacy in this island be speedily and decisively enforced, your petitioners believe that still larger numbers will leave these shores; that the interests of your Majesty's subjects, both European and Maorie, will be deeply injured; that immigration will be arrested; that the influx of capital will be greatly retarded; that an angry feeling will be engendered between the two races, much to be deprecated; and that the peaceful and prosperous colonization of the North Island of New Zealand will be indefinitely postponed.

That your petitioners therefore earnestly beseech your Majesty to take such measures as will best maintain your Majesty's supremacy, thereby promoting the harmony, security, and welfare of your Majesty's European and Maori subjects.

And your petitioners will ever pray.

No. 20.

Extract from DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(No. 50.)

Government House, Auckland, New Zealand,
May 25, 1860.

(Received Aug. 10, 1860.)

(Answered, No. 53, Aug. 27, 1860, page 263.)

I have the honour to forward the last reports received from Colonel Gold, the officer commanding the forces at Taranaki.

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Enclosure 1 in No. 20.

Col. GOLD to the GOVERNOR.

Encl. 1 in No. 20.

SIR, New Plymouth, April 30, 1860.

I have the honour to forward the following account of my proceedings to the southward of New Plymouth.

Corps, &c.	Field Officers.	Captains	Sub.	Staff.	Serjeants.	Drummers.	Rank and File.
Staff - -	1	1	—	—	1	—	—
Royal Navy -	2	2	4	2	3	—	132
Royal Artillery -	—	1	1	—	2	—	54
Royal Engineers	—	1	—	—	—	—	7
65th Foot - -	—	5	9	4	17	7	249
Total -	3	10	14	6	25	7	442

On the 20th instant I proceeded with the force as per margin to Tataramika, where we encamped near the river. On the following morning, leaving Captain Bulkeley with 100 men and two nine-pounder guns to protect the camp, I continued my march southward, to the native pahs laying between Tataramika and the Hougatawa river, on both of which we found white flags flying, although, with few exceptions, the natives usually in them had joined the rebels in arms against us. Those remaining being friendly to the Government, no molestation was offered to them; and we returned in the afternoon to a position two miles in advance of our former one, to which the camp, stores, and remaining guns were shifted.

On Sunday the 22d I made arrangements for as many of the settlers as could be spared from militia duties, to be moved from New Plymouth to our camp, for the purpose of saving property in crops, furniture, cattle, &c.

On the 23d they were so employed, assisted by parties of the naval brigade and 65th Regiment.

At daylight on the 24th, the steamer "City of Hobart," with a detachment of the 40th Regiment from Melbourne, was in sight from our position. Calculating on her being able to land her troops at New Plymouth, I sent orders for No. 10. Company of the 65th Regiment to join me forthwith; but a north-west gale coming on, the men-of-war and the "City of Hobart" were compelled to put to sea before any of the 40th Regiment could be disembarked; and the garrisons of Taranaki being weakened by 84 rank and file, I did not consider it advisable to move forward until they were replaced by the 40th detachment; but this was effected on the following day; and on Thursday the 26th, I quitted Baley's farm with the entire force.

The road as far as the Hougatawa river is not worse than the average on this coast, but considerable difficulty exists in crossing loaded drays and guns over a stream which in the freshes is impassable, and at all times is rapid and runs over boulder stones. On reaching its southern bank we marched on Turne, a large settlement, which parties of armed natives deserted on our approach, and which is the property of Taratone and his tribe. As these people were directly concerned in the murders of settlers which were recently committed, I caused the houses to be pulled down, the machinery of a water-mill situated about a mile inland to be destroyed, and the wheat and grain, of which there was a considerable quantity, to be thrown out into the fern.

On the 27th, we marched for Warea, the pah of Paora, which, laying on the sea coast, was shelled by H.M.S. "Niger" on a former occasion. H.M.S. "Cordelia," towing a surf boat, covered our right flank, and strong parties thrown out on our left prevented the natives, whose tracts were everywhere visible, from molesting the column on that side. On the advance guard obtaining a view of the hostile position, they were fired upon, at about 100 yards distance, from the principal pah in their front, but one of older construction on their left was unoccupied. I immediately proceeded to invest the former, and while doing so, and after four rounds had been fired into it from a howitzer, the natives escaped by the rear. I caused the pah and all the canoes and property it contained, with the exception of the native church, to be destroyed by fire, thus drawing a distinction between my mode of dealing with places where active opposition was experienced, and those which were abandoned on our approach.

The house of the Rev. Mr. Riemenschneider laying inland of the pah was carefully preserved from injury, as was the church in which he officiates, and all it contains.

From a height above the pah of Warea inland an opportunity of reconnoitering the country to the south of us, and observing that the forest extended nearly to the sea, leaving only a small space occupied by flax between it and the beach, and knowing of no pahs between it and Te Ngamu (which was too far for the column to reach with its existing supply of provisions), I decided on not proceeding further to the south. On the 28th, having passed the previous night in the old pah alluded to in my former paragraph, I destroyed it, and fell back on the Hongatawa river, having despatched the "Cordelia" to New Plymouth on the previous evening in consequence of the state of the weather rendering all communication, excepting by signal, impossible. While approaching, and after crossing the river (an operation attended with more difficulty than on the previous occasion in consequence of the increased strength of the torrent) we met with some opposition on the part of the enemy; but, as usual with them in comparatively open country, they were deficient alike in boldness of conception and vigour of execution, and no casualties beyond the breaking down of a waggon occurred.

I encamped that evening in our old position at Baley's farm, having accomplished a march of 15 miles over a very difficult country, with a long convoy of waggons to protect, and a constant succession of flax ground for the flankers to pass through; these, and the numerous mountain streams which intersected the line of march, mostly knee deep, caused much delay and exertion to the column. It is now my intention to establish two permanent posts, of 100 men each, in excellent positions, which are capable of being maintained by the settlers when the services of the troops are required elsewhere. By so doing I hope to restore confidence where it is much wanted, and protect much valuable property from being burnt or removed by the enemy.

The conduct of the forces under my command has been satisfactory, and to Capt. Seymour, commanding the Naval Brigade, I am particularly indebted for his valuable advice and active co-operation; also to Commander Vernon, of H.M. sloop "Cordelia."

I returned with the remainder of the force to New Plymouth this day.

I have, &c.

(Signed) C. E. GOLD,

Colonel commanding the Forces in New Zealand.

Enclosure 2 in No. 20.

Encl. 2 in No. 20.

Colonel GOLD to the GOVERNOR.

SIR, New Plymouth, 4th May 1860.

In acknowledging your Excellency's letter of the 30th April last, I have the honour to state that although there are pahs inland bordering on the bush, I can get but a very meagre account of them; and as, in the history of former wars in this country, I cannot discover that a pah was ever taken with its native occupants, although at times the forces have quadrupled those at my disposal, with much heavier guns, and really supported by numerous fighting native allies, I see but little chance of either slaying or capturing the native rebels.

To take up guns without roads, dragged by bullocks eight to a team, and which on fair roads go on the average but two miles an hour, and a supply of ammunition, tents, stores, and provisions for even a few days, where the drays will only carry 10 cwt. each, entails a train, or rather incubus, of lumbering impediments which requires in an enemy's country your whole force to protect with scattered guards. Then the 200 or 300 bullocks must be fed and kept in at night, or they would join the enemy's cattle in the bush, and leave you to get your carts on the best way you could. Stores cannot be conveyed by water, as I experienced even in fine weather, when I could not ship the wheat I wished in H.M.S. "Cordelia" in a surf boat.

In the South I do not see that more can be done at present, and I feel assured that the destruction of the mill and crops, corn, houses, canoes, and ploughs at the different stations we went to will severely cripple the resources of the Taranaki natives this winter.

I should wish to visit the Ngatiruanui natives, and shall consult with Captain Seymour when he returns, as he is now away with the "Cordelia" (in company), avoiding this anchorage during a north-west wind.

I have left two strong posts at Tataramika.

With regard to Wm. King I have obeyed your Excellency's instructions, but shall be prepared to attack his pahs whenever permitted. I have planted a strong company of 100 men on a commanding situation (North Croft) at the upper extremity of the Bell block, and have desired them to hut themselves without delay. This will be an important point in case of operations, and it has also the advantage of being close to the native bush road between King and the Taranakis. I shall gradually clear towards it, keeping on our land. I hope also to be able to telegraph thence with the Waitara camp, the flag staff of which place is discernible.

I have no intention of crossing the Waitara, though the country in the North appears far superior for campaigning than that we were lately in, which for the last few miles consisted of excellent military positions, and high dense flax bushes and scrub.

I have called for a return of the progress of the various blockhouses, for your Excellency's information, from the Assistant Engineer. And with regard to the protection of the town, the troops are distributed in the following manner: there are 120 men in the iron store, 100 encamped at the Hermi bridge, who give a strong picket in advance covering Dr. Williams' and the other houses on that block at night; a guard at Fort Niger, another near the race course, and strong night guards with double sentries round from the barracks towards the beach to the southward, the guards within being at the boat houses and commissariat stores.

I have reduced the militia guards to a very few, and caused their morning parade to be done away with, having merely the duties paraded in the evenings.

There appears a great disposition on the part of the friendly natives to supply the rebels with tobacco; much more is sold to them than they require; but I have refrained from meddling with the traffic of the place, and take great care not to give offence to our allies, whose chiefs appear to be good men.

It has been rumoured that King's natives have borrowed the dresses of some of our friendly people, and come into town; this is probable, but has not been proved as yet; Mr. Parris is on the look out.

We discovered that the neutrals gave signals with smoke as we advanced to the southward—another proof of the small chance there is of catching them in their pahs.

States of the force at this place have been regularly forwarded, and the practice will be continued.

I have, &c.

(Signed) C. E. GOLD,

Col. Commanding the Forces in New Zealand.

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Enclosure 3 in No. 20.

Colonel GOLD to the GOVERNOR.

Encl. 3 in No. 20.

SIR, New Plymouth, May 24, 1860.

I HAVE the honour to forward a letter just received from Mr. Turton, R.M., for your Excellency's information.

I have, &c.

His Excellency the Governor, &c. &c. &c.

(Signed) C. E. GOLD,
Commanding the Forces in New Zealand.

Mr. TURTON to Colonel GOLD.

SIR, Wellington, May 12, 1860.

I BEG to apprise you of my apprehension that most of the natives from the Hutt, &c. will shortly proceed to Taranaki to assist W. King in the assertion of Maori supremacy; but whether they will go to Waitara or to Omata is more than they care to tell at present.

I am just off per steamer to Wanganui, where I shall remain probably for some weeks, and thence I propose to write to you again.

Perhaps two hundred and fifty (250) would be the number from this part, but I think it very likely that their company will swell on their advance through the Otaki district, so that, by the time they reach you, they may possibly form a considerable force.

I have, &c.

(Signed) H. B. TURTON, R.M.,
Visiting Wellington, &c.

No. 21.

No. 21.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 52.) Government House, Auckland, New Zealand, May 25, 1860.

(Received August 10, 1860.)

(Answered No. 54, August 27, 1860, p. 263.)

MY LORD DUKE,

I HAVE the honour to forward a petition to Her Majesty for my recall, purporting to be signed by the natives of Otaki and the neighbouring district.

I attach copies of letters from Mr. Turton, resident magistrate, Mr. Searancke, district commissioner, and from Ihakara, a chief of great importance in that neighbourhood.

It may be necessary to say that Otaki is the residence of Archdeacon Hadfield; but your Grace will not desire that I should make any other comment.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Encl. 1 in No. 21.

Enclosure 1 in No. 21.

(Translation of PETITION to the QUEEN.)

To our Good Sovereign the Queen. Otaki, March 30, 1860.

THIS is the memorial (lit. lamentation or cry) of us, your loving children, (sighing) amid the darkness which has at this present time befallen us.

We have, for many years past, lived under the peace-securing principles of religion, and have upheld your laws.

Your Governor, Sir George Grey, waged war with the native race, and severely punished (lit. bear down) their offences; but we did not grieve on that account, because it was right according to the law. Peace was afterwards made; the Europeans and natives lived together in harmony, until Governor Grey returned to England.

But this Governor, Governor Browne, did not follow up these good and loving measures toward the natives; hence arose a feeling condemnatory of the policy pursued by the Government in one end of New Zealand.

Even now he has unwarrantably proceeded to take possession of the land of a certain native chief at Taranaki, named Wiremu Kingi. The Governor purchased it from a native named Te Teira. He has fought about that land, and fired upon the people of that place. They were loving subjects of yours. Their object was not to trample upon the law, but rather to retain possession of the land which was handed down to them by their ancestors and by their fathers. They did not wish to sell that land.

This unwarrantable (*pokanoa*, a thing done of one's own accord) proceeding of this Governor has occasioned grief and confusion to all of us, because we know that this system is not yours, this taking away without cause of the land of any person or of the orphan and widow.

Wherefore, we, your loving children cry to you, and pray that you will remove this Governor, lest he remain to promote evil in our island. Do you send us a Governor who is competent properly to carry out your measures, that we and the Europeans may live peaceably together and in attachment to you.

And we will ever pray that your sovereignty may increase.

(Signed) Nepia Taratoa.
Kingi Te Ahoaho.
(And 495 others.)

Enclosure 2 in No. 21.

Encl. 2 in No. 21.

Mr. Turton, R.M., to the Governor.

Sir, Wellington, May 12, 1860.

In reference to the petition from Otaki, I have been frequently and credibly informed by Europeans residing on that coast that the natives on their return from the meeting made no secret whatever as to the memorial having been originated by Archdeacon Hadfield.

On the 31st March I myself reached Manawatu, and there had a long conversation with the head chief (hakara) who had only that evening returned home from Otaki, where the so-called petition had just been manufactured. This conversation was held in the hearing of two gentlemen and other witnesses, all of whom understood the native language.

Thakara informed us that he had had an interview with Mr. Hadfield before the signing of the petition, who acknowledged to having advised the procedure, but did not wish his name to be mentioned in connexion with it; that the work was really done by him and his assistant Rewai, the catechist; but that Mr. Hadfield did not attend the meeting, so that it might appear to the English residents as the spontaneous act of the natives; that the signatures of those present were written down off-hand, without much reference to the parties; that the names of absentees, &c. were entered without any reference at all; and that his own name, and those of many others of Manawatu, were actually affixed under protest. He did not say whether any of the signatures were those of women or children. But he did say that Mr. Hadfield had told the people that a new system was being introduced, that their lands were now in danger, and that it was time for them to move in their own behalf; also that his remarks on your Excellency and the Government were very severe and contumelious.

In reference to this said petition, I have to remark that the signatures were urged on at the meeting, so that the document might be sent home direct by the next mail from Wellington to Melbourne. On the 3rd April I demanded a copy of it for transmission to your Excellency. This was refused, and therefore I came on to Waikanae without calling at Otaki, after having explained to them the deceit, the cowardice, and the dishonourableness of such secret conduct. But for this I do not think your Excellency would have seen a copy of that disgraceful paper, save, perhaps, on its return from London.

I have, &c.

His Excellency the Governor, &c. &c. &c.

(Signed) Henry A. Turton,
Resident Magistrate.

Enclosure 3 in No. 21.

Encl. 3 in No. 21.

(Extract from the Report of Mr. District Commissioner Searancke.)

Whanganui, April 13, 1860.

* * * * * *

On Wednesday evening Ihakara with about ten of his friends also arrived at Otaki, proceeding directly from Manawatu.

They were informed by the natives present of the subject which had been discussed that day, namely, the great necessity of carrying out the union of the Maories. The expression made use of both by Nepia the principal chief of the Ngatirankawas, and Kawana Hunia the chief of the Ngatiapas, was, that the time had arrived when it was necessary "that the Maori-man and the Pakeha-man should be separated, and that the Maories should be united." This proposition was assented to by all, except Te Kingi, Hamita, and a few others.

On a reconsideration of this question on the following day, Ihakara and his friends requested to be informed how the union was to be carried out; that to carry it out, so far as they could see, an appeal to arms was necessary to divide the races; and if that was to be the case, they called upon the originators and supportors of it at once to avow it. No answer was made to Ihakara, and the meeting broke up in great confusion.

Previous to this the meeting preliminary to the drawing up of the memorial to the Queen demanding the recall of his Excellency the Governor was held, when the justice of the measures adopted by his Excellency the Governor at Taranaki was strongly impugned, and the necessity of a memorial to the Queen to remove his Excellency was determined upon. Thakara tells me that Parakaia and Heneri Taraloa were the principal and most violent speakers. Nepia and others also addressed the meeting, condemning his Excellency's conduct. Ihakara spoke in defence, on the ground that they, living at a distance, could not expect to be so well informed of the facts as his Excellency and Mr. Mc Lean,

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who had been on the spot; and thought that they had better, before they determined on a memorial to the Queen, be assured that they were in the right themselves. He was subsequently induced, in order to remove his doubts, to visit, in company with his friends, the Resident Minister, the Venerable Archdeacon Hadfield, who (he states) informed him that the measures taken by His Excellency the Governor were not only rash but most unjustifiable towards one of the best friends of the Europeans, Wiremu Kingi, on these grounds, "the haste to make war;" "small things were judged or investigated;" "land, the great matter, was not judged." "(He is) a lazy old man."

Ihakara, as spokesman for the party, asked him his reason for making this last remark. Mr. Hadfield answered him; he knew it by Martin's letter to the Governor; he knew it by his letters not being answered by the Governor; he knew it from his allowing letters from the Maories to be replied to by secretaries or clerks. "Governor Grey was a good Governor; Governor Browne is a bad one. Therefore, and because of the fighting at Taranaki, I say let a letter be written to the Queen to recall Governor Browne, that a good Governor may be sent here. The Governor was mad or hasty to listen to the words of that low European, Parris. If the Governor thinks well to apprehend and send me to gaol, it is good I should go on to the top of my true speaking." Mr. Hadfield's concluding remark appears to have excited the native suspicion. "Do not make my words publicly known, lest they should be heard." Ihakara repeated this several times; and he then jumped to this conclusion, "This letter to the Queen has no other source or root besides Mr. Hadfield."

Ihakara appears to have objected throughout to this memorial, and yet allowed his name to be put to it, justifying and consoling himself with the idea that Mr. Hadfield is responsible for it all. Heneri and Parakaia were the actual writers of the memorial, which was then taken by them to Mr. Hadfield, and by him corrected and arranged in proper order. They then made a fair copy of it; about 100 names or less were put to it, and it was then by them taken back to the Archdeacon, who was very angry at the few signatures attached.

They again returned to the settlement; and Ihakara tells me that a few more names were attached without any reference to the parties, the principal part of the natives having at this time returned to their different homes. Ihakara fairly states that he does not know the number of signatures, it having been signed by Heneri and Parakaia for the natives generally, on account of the time that might have been lost, in which case it would have missed the English mail, thereby causing a delay of a month, and risking the chance of a reaction.

Practically looking at this subject, there can be no doubt that on the arrival of the news of the outbreak at Taranaki, (commenced, as the natives here were all given to understand, by the Europeans,) considerable excitement arose, increased by the indiscreet remarks made to them by Europeans. This excitement has now entirely ceased, and many of the principal natives, among them Nepia himself, have expressed their opinion since the meeting at Otaki that Wiremu Kingi is in the wrong. The natives are all now perfectly quiet, and their late self-confidence has been succeeded by a sulky depression. Meetings and committees among them are now much more frequent than formerly. No Europeans are allowed to be present, nor the subject discussed to transpire. They are profuse in friendly expressions to Europeans, but it is nevertheless too evident that there is on this coast a very general and deep-seated sympathy for the natives now in arms at Taranaki.

The decisive and straightforward manner in which the rebels at Taranaki have been met, and the decided reverse they have sustained, duly reported to them, as it has been, by one of themselves, an eye-witness, has considerably tended to repress any open sympathy, and has completely upset their notions of the superiority of natives over Europeans in warfare.

At present there is apparent a feverish anxiety for European opinions on the war, and a cool determination to conceal their own feelings and true sentiments under a few specious and common-place friendly remarks. I observe also among the natives on this coast the same feeling against the Europeans being armed or taking any defensive steps, as was apparent in the Wairarapa. Whether the natives are sincere, or whether they are trying to lull the Europeans into a false security, I cannot say; but I can hardly believe in their sincerity when I look back at the number of fire-arms and the quantity of ammunition purchased during the last two years by them, and their present activity in casting bullets and making cartridges.

In conclusion, although I am not of opinion that the natives on this coast will ever take active measures in support of Wiremu Kingi, I am still of opinion that if he met with success, and the Europeans with a reverse, that these natives are not to be depended on, and that they would take advantage of it in some way or another.

I have, &c.

Donald McLean, Esq.,
Chief Commissioner, Auckland.

(Signed) WILLIAM N. SEARANCKE,
District Commissioner.

Enclosure 4 in No. 21.

Encl. 4 in No. 21.

The Chief IHAKARA to the NATIVE SECRETARY.

Friend Mr. McLean, Te Awahan, April 26, 1860.

Salutations to you and to Governor Browne.

You are well aware of the motives for which this letter was written to England by Archdeacon Hadfield and his men. It was written to injure Governor Browne.

I did not write my name upon that paper.

My name was signed there by the persons who wrote the document. It was to give weight to their paper that they wrote my name.

Do not be annoyed at my name (being there), as I have now explained the matter to you.

(Signed) Ihakara Tukumaru.

To Mr. Commissioner McLean,
Auckland.

Minute by Assistant Native Secretary.

Recommended that the receipt of this letter be acknowledged. The writer is a principal chief at Manawatu. This letter is in itself a proof that all the names appended to the memorial to Her Majesty, praying for the recall of the Governor, are not only not genuine signatures, but that in one case at least the name of a principal chief has been written without authority, and it may be fairly inferred that the case is the same with regard to many of the other names.

May 23, 1860. (Signed) Thos. H. Smith.

No. 22.

Copy of DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(No. 54.) Government House, Auckland, New Zealand, May 26, 1860.

(Received August 6, 1860.)

(Answered, No. 53, August 27, 1860, page 263.)

My Lord Duke,

I do myself the honour to enclose copies of several letters which I have received during the past month from persons who have the best means of information, and whose character and position place them above suspicion.

Amongst these letters I beg your Grace's particular attention to that from the Rev. J. Morgan, who has had charge of the Church of England Mission Station at Otawhao for upwards of twenty years.

At the risk of wearying you I may again state that the King movement commenced in 1854, before my arrival in the colony. It took a definite form in 1856; then apparently languished, under the avowed indifference and secret discouragement of the Government, until 1859, when the fears of the Maoris were awakened by disaffected Europeans, as detailed in my Despatch, No. 65, of 22d August 1859. Of late much secrecy has been observed by those engaged in organizing this movement, but there can be no doubt that disaffection has been spread very generally through the southern part of this island, and it is certainly a fortunate circumstance that the recent events at the Waitara have caused a disclosure of the real state of feeling entertained by the Maoris towards us. If the emissaries of the King had been able to consolidate their party without attracting attention by any overt act, we should have felt their power unexpectedly, and when the increased dispersion of our settlers, and the intended reduction of our military force, would have deprived us of the means of immediate resistance.

The present state and condition of the movement is graphically described by Mr. Morgan. I am informed that 3,500 men belonging to the different Waikato tribes have met at Ngaruawhia, the King's residence, and are probably now discussing what course they will adopt.

Much depends on the decision they may arrive at, and I am not without hope that discussion will bring to light so many and such grave differences of opinion that a rupture may ensue.

The King designate, always most friendly to the Europeans, has constantly endeavoured to restrain the violence of his partizans, and has more than once threatened to leave them and return "to sit under the Governor's shadow" near Auckland. Should he do so, a large party will secede and follow him.

A party of one of the Waikato tribes has (as reported) gone to Taranaki to join W. King, but it is not impossible that when shut up in a pah old animosities will be rekindled and break out even there.

Under these circumstances a successful attack by our forces upon W. King (who is residing on his own land), without further provocation on his part, would at once reconcile all these differences, and unite a large part of the southern tribes against us. For this reason I have requested Colonel Gold to refrain from attacking W. King again, unless that chief commences hostilities; and I trust he will concentrate his energies, and discover some means of punishing those tribes who still shelter the murderers of our unarmed people.

I have (as reported in a former Despatch) invited all the most important chiefs, who are well disposed towards us, to meet me at Auckland on the 2nd July, the earliest date

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on which they could be assembled; and I have great hope of being able to arrange some measures with them which will place the relations of the two races on a safer and more durable foundation.

In conclusion, I beg again to impress upon your Grace the absolute necessity of sending out strong reinforcements at once and without delay. Unless a much larger force than has been hitherto contemplated can be stationed in New Zealand for some time to come, the colonization of this island cannot be carried on in safety beyond the range of our guns.

The employment of friendly natives has often been suggested to me, but nothing short of extreme necessity will induce me to throw the torch of discord between those tribes who are now at peace with each other. Nor is this decision altogether disinterested; any movement on the part of our assured allies, the Ngapuhis and their friends, would at once unite the whole of the Waikato tribes in hostility against us; added to which, the course of native warfare is always uncertain and erratic, and such alliances have not proved invariably advantageous in the end.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Encl. 1 in No. 22.

Enclosure 1 in No. 22.

EXTRACT from Letter from H. H. TURTON, Esq., R.M.

SIR, April 21, 1860.

On conclusion of the whole journey, I have to state it as my opinion, from what I have seen and heard,—first, that the present collision between the Government and the native race is considered by the latter as being premature, and altogether unexpected at the present moment; and, secondly, that their Maori kingship notions were already in such a state of maturity, that they anticipated, before long, the entire removal of the Pakeha (alias the foreigner) community from the soil, when the whole of the improved property would come into their own possession. As to what they would do with it, when obtained, does not seem to have entered into their calculation; nor could we expect an ignorant but impulsive race like the Maori to have calculated better. The great mercy to the colony at large is that the Governor and his Executive have anticipated the event, and so saved us from an issue which would have been as ruinous as simultaneous and universal.

I have, &c.

The Native Secretary, Auckland. (Signed) H. H. TURTON, R.M.

Encl. 2 in No. 22.

Enclosure 2 in No. 22.

From the Rev. J MORGAN to the GOVERNOR.

SIR, Otawhao, May 8, 1860.

As conflicting statements have been made respecting the present state of feeling amongst the Waikato tribes, I beg leave to make a few remarks on the subject.

The Waikato, Raglan, Kawhia, Mohau, Waipa, and Matamata and Taupo tribes are at present divided into three parties; 1st, the Queen's party; 2d, the extreme Maori King party; 3rd, the moderate Maori king party. There are very few tribes undivided amongst themselves, but yet as the leading men of each tribe belong to one or the other party the majority of such tribes follow their leaders. The Queen's party feel the advantages of British rule, and would soon, if unrestrained by the Maori king party open up all the country by the sale of land. The moderate Maori king party are decidedly averse to the sale of land, but for the sake of peace they would willingly give up to your Excellency the disputed land at Waitara, but at the same time they expect that in future the Government will not purchase any more land from any chief resident within the boundaries of the Maori king land league. The extreme Maori King party are opposed to any land at Waitara or at any other place (however clear Teira's title or the title of any other chief may be to his land) being sold to the Government. Hence different opinions exist amongst Europeans as to the probability of the Waikatos becoming involved in the war. These opinions are, generally speaking, founded upon the state of feeling amongst the tribes resident in their more immediate neighbourhood. On the Lower Waikato there are many who adhere to the Queen, and the remainder may be classed amongst the moderate king party, and hence Mr. Armitage's opinion that the Waikatos will not join in the war. If, however, we enter into conversation with men of the extreme party, and succeed in drawing out their ideas, we find a different state of feeling. As, for instance, when Rewi arrived here with the letters from Tamati Ngapora, stating that your Excellency had proposed peace, a messener immediately started after the Kihikihi party, and made known the news. The reply of Epiha of Kihikihi and also of the Ngatiruanui was: "The Governor has seen his error, and wishes to make peace. He shall not have Teira's land, as that would decrease the "mana" of the Maori king. This party would risk war at any hour to uphold the "mana" of the Maori king over all lands within the boundaries of the Maori king league. When Europeans get into conversation with this party, their fears (like those of Capt. Johnstone) are immediately excited.

As my duties bring me into constant communication with the three parties, and as the prospect of war is the frequent subject of conversation, I have an opportunity of knowing the views of all;

and I incline to the opinion that the Waikatos will be drawn into the war. Whatever may be the private opinion of Potatau, his influence is not sufficient to restrain the people if they wish for war. Even should the coming meeting as a body declare for peace, we must not suppose that for a certainty peace will continue, unless the Kihi kihi, Hangatiki, and Kawhia tribes return in safety, and can be prevented from making another expedition to Taranaki. So long as any of these tribes remain at the seat of war a few hours may produce at any time a complete revolution of feeling amongst the Waikatos. There is, without any doubt, a strong sympathy with Wiremu King, and as he has handed over his land to the Maori king party, they feel bound to support him.

In conversation to-day with Powhou Titipa, I in vain endeavoured to get the old chief to give me the promise that at the approaching meeting he would use his influence to restrain the Waikatos from joining Taranaki. I then asked him whether, in his opinion, Waikato would join? He said, that he could not tell until the meeting. I pointed out to him the folly of Waikato joining in a war which must end in severe loss to themselves. The only reason he could give why Waikato should rise in arms was that Wiremu King, Ngatiruanui, and Taranaki had given over all their land to the Maori king league, and therefore they must defend it, and prevent its passing into the hands of Europeans. I had then some conversation with him in reference to the safety of Europeans resident in Waikato, in the event of Waikato joining in the war. He said that Potatau had expressly said that the natives should not interfere with the Europeans at Kawhia, Raglan, or Waikato. I am of opinion that at the present time settlers are perfectly safe; but in the event of Waikato joining in the war, I do not think that it would be prudent for them to remain, as, under excitement, Potatau could not restrain the wicked spirits.

As a body the Waikatos would not act as Ngatiruanui have done; they have never killed a European, while the tribes of Taranaki, Rotorua, Thames, &c. &c. &c., have done so; but a few lonely settlers might be murdered by two or three of the worst disposed natives; and as every fresh murder complicates the difficulties of the present state of things, I should not recommend the European settlers being allowed to remain if Waikato joins the war. There are upwards of forty European females and children within twenty miles around Otawhao.

I entirely agree with your Excellency in opinion that an alteration in the present boundaries between the Europeans and Maoris is most desirable; but I fear that Wiremui Kingi will not offer any land for sale, so decidedly have the Maori king party set their faces against the giving up of any more land, and especially of Waitara. Old Pouhou Titipa has twice mentioned to me his desire that the Government should give up Teira's land to King, and that in lieu of it a piece of land should be given to the Government at Puketapu and Waitara, between Waitara and Plymouth, so as to make the European boundary more compact. This is the view of a chief of the moderate king party. In reference to the southern boundary, we cannot too decidedly mark our detestation of the acts of Taranaki and Ngatiruanui; and when they are humbled, and sue for peace, it will only be justice and equity that they should be required to pay for the property they have destroyed. Surely the ashes of the burning homesteads demand compensation! It cannot be for the benefit of the aborigines that murder should be unpunished and arson passed over. I will not, however, say more, for, with a full knowledge of all the facts of each case, your Excellency is the best judge. I omitted to mention that there is already a division amongst the Waikatos now escorting Ngatiruanui home. One party wish, with arms in hand, to pass near the troops at Waitara, and then enter King's pa, and afterwards hoist the Maori king flag on Teira's land; the other party say, that to adopt such a line of conduct would be to provoke a collision with the troops, and that unless the extreme King party will agree to go by the back roads, they, the moderate party, will return home from Mokau Heads.

I am, &c.

To his Grace the Duke of Newcastle, &c. &c. &c.

(Signed) JNO. MORGAN.

Enclosure 3 in No. 22.

The Native Secretary to the Governor.

MY DEAR SIR, Monday Evening, May 21, 1860.

I ARRIVED at Ngaruawahia this afternoon, accompanied by W. Nero and party.

A preliminary meeting was held to-day, at which a large section of the natives expressed a determination to fight for Waitara; others approved of the murders; and the majority declared they should die for their king. The most disaffected are those who are assembled and have expressed themselves. A considerable body have yet to arrive before the meeting commences.

In the meantime I shall hold as little communication with them as possible, until all are collected.

They threaten to stop the mail, which will be no great inconvenience, and to forbid road making, unless the Governor agrees to their king, and decides against all land purchases for the future.

I remain, &c.

His Excellency the Governor.

(Signed) DONALD MCLEAN.

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No. 23.

No. 23.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE,

(No. 55.) Government House, Auckland, New Zealand, May 28, 1860.

(Received August 10, 1860.)

(Answered No. 60, August 28, 1860, p. 264.)

MY LORD DUKE,

I HAVE the honour to forward an address to the Queen, bearing the signatures of 1,731 residents in the province of Auckland, in which they pray that "Her Majesty will "take such measures as will best maintain Her Majesty's supremacy, thereby promoting "the harmony, security, and welfare of Her Majesty's European and Maori subjects."

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE, Governor.

Encl. in No. 23.

Enclosure in No. 23.

To the Queen's most Excellent Majesty.

The humble petition of Your Majesty's dutiful and loyal subjects resident in the province of Auckland, in Your Majesty's colony of New Zealand, respectfully showeth,—

That Your Majesty's loyal and dutiful subjects beg to approach Your Majesty with assurances of their unshaken allegiance and devotion to Your Majesty's Royal Crown and person.

That your petitioners have emigrated from various parts of Your Majesty's dominions to the north island of New Zealand, in the full assurance of the maintenance of the supremacy of Your Majesty, and in the belief that Your Majesty would graciously protect and encourage them in the peaceful pursuits of trade and industry.

That your petitioners have at all times been anxious to preserve the most friendly relations with the aborigines of this island.

That your petitioners bear testimony to the justice and benevolence, in relation to the Maories, which have characterised the administration of Your Majesty's representative in this island.

That the treaty of Waitangi, by which the native chiefs ceded the sovereignty of the islands of New Zealand to Your Majesty, has been most scrupulously maintained on the part of Your Majesty, with reference to Your Majesty's aboriginal subjects.

That whilst no other assistance has been rendered to the colonists than that usually given in all Your Majesty's colonies, Your Majesty's representatives, animated by Your Majesty's benevolence, have, by loans of public monies from the colonial revenue, assisted Your Majesty's aboriginal subjects to erect flour mills, to purchase vessels, and in various ways to engage in trade and agriculture.

That it is the belief of your petitioners that many of Your Majesty's aboriginal subjects have latterly misinterpreted these evidences of Your Majesty's benevolence, and instead of regarding them as the manifestations of Your Majesty's interest in their welfare have long ceased to consider them in any other light than the tribute which weakness pays to power.

That a growing contempt for Your Majesty's authority has for some time been manifested by the Maories, to which the patient forbearance of Your Majesty's representatives, and the small number of troops stationed in this island, have not a little contributed.

That this unhappy feeling is evidenced by the fact that the Maories have lately stopped Your Majesty's mails, and have grossly insulted Your Majesty's representative (Governor Gore Browne); that, by electing a king to whom they have transferred their allegiance, they have combined to exercise sovereign rights over large territories, in order to prevent the sale of lands by individual tribes or persons to Your Majesty's representative, thereby violating the treaty of Waitangi.

That your petitioners believe that the present outbreak at Taranaki is a natural consequence of such violation of the treaty of Waitangi.

That, for the maintenance of Your Majesty's supremacy, and for the defence of their lives and property, large numbers of Your Majesty's subjects in this province of Auckland have formed volunteer companies, rifle and cavalry; and that Your Majesty's representative has further made a levy en masse in the parts of this province most likely to be endangered, and to which almost the whole population capable of bearing arms have loyally and cheerfully responded.

That, in consequence of this unsettled state of affairs, the trade of your petitioners is suffering severely; that large numbers of people are leaving the colony; and that, unless Your Majesty's supremacy in this island be speedily and decisively enforced, your petitioners believe that still larger numbers will leave these shores; that the interests of Your Majesty's subjects, both European and Maori, will be greatly retarded; that an angry feeling will be engendered between the two races, much to be deprecated; and that the peaceful and prosperous colonization of the north island of New Zealand will be indefinitely postponed.

That your petitioners therefore earnestly beseech Your Majesty to take such measures as will best maintain Your Majesty's supremacy, thereby promoting the harmony, security, and welfare of Your Majesty's European and Maori subjects.

And your petitioners will ever pray, &c.

[Here follow the signatures.]

No. 24.

Copy of DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(No. 60.)

Government House, Auckland, New Zealand,
June 26, 1860.

(Received Sept. 19, 1860.)

My Lord Duke, (Answered, No. 69A, Sept. 26, 1860, page 265.)

With reference to my Despatch, No. 52* of 25th May last, in which I had the honour to forward a petition to Her Majesty from certain natives resident at Otaki, praying for my recall, I beg to inform your Grace that by the last mail from the south I have received a communication from Mr. Turton, a resident magistrate, covering a letter (copy of which I enclose) from the Rev. Mr. Duncan, a Presbyterian Clergyman, of Manawatu, whose high character and good knowledge of the native language are sufficient guarantees for the impartiality and correctness of his statements.

* Page 60.

"From this document" (Mr. Turton writes) "your Excellency will observe that out "of 501 signatures to the so-called native petition of Otaki, dated 20th March ultimo, "nearly 400 were written without consulting the parties represented by them."

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE,
Governor.

Enclosure in No. 24.

Encl. in No. 24.

My dear Sir, Manawatu, May 24, 1860.

I received the packet you left for me at Gawith's on my return to Manawatu last Friday, the 18th. I learned that Ihakara was a long way up the river, and was not expected home for a week or two; I therefore sent for him, and as he came only last night, I had not an earlier opportunity of complying with your request regarding the papers.

Ihakara says most distinctly that Mr. Hadfield was the originator of the petition; that he suggested to some of the Otaki natives the writing of it; that when a copy was written and brought to him by Parakaia and others, he re-arranged and otherwise altered its contents, and then returned it to them that theymight write out a fair copy, requesting them to procure as many signatures as possible; that when the petition, with about 100 signatures, was shown to him, he strongly expressed his dissatisfaction with the number; and that thereupon Parakaia and Itenari added the names of all the adult males of Otaki, Ohau, and Manawatu that they could remember, without at all consulting them.

Ihakara and I read over the names last night in the presence of Hukiki te Ahu, whose name, as Te Ahu-Karamu, is down amongst the first signatures. He assured me that he was unwell at the time of the meeting at Otaki, when the petition was drawn up, and was not present, and was not consulted as to his signature.

There are no names of women or children.

The names marked with a cross before them are chiefly of Manawatu natives, and Ihakara declares that they were written without their knowledge or consent. He says he is convinced that many names of the Otaki, and Ohau, and Horowhenua natives were written in the same way, without the persons being at all consulted. * * * *

Regretting that I have been unable to return the papers earlier,

I am, &c.

H. H. Turton, Esq., &c. &c.

(Signed) James Duncan.

P.S.—Not being certain about the other names, we left them without remarks.

No. 25.

No. 25.

Copy of DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(No. 61.)

Government House, Auckland, New Zealand,
June 26, 1860.

My Lord Duke, (Received Sept. 13, 1860.)

Nothing has occurred at Taranaki since the date of my despatch of the 25th May*, when I had last the honour to address your Grace in reference to that place.

* Page 60.

I have instructed Colonel Gold not to attack Wm. King until he gives some new and indisputable provocation; not because I doubt our right to do so, but because if we

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attack him on his own land without renewed provocation; he would enlist the sympathy of the whole Maori population in his favour, and it would not be prudent to give him this great advantage.

But, on the other hand, I have informed Colonel Gold that I see no reason for forbearance towards the tribes who committed the murders on our unarmed people: that sooner or later they must be made to feel our power, both to protect and avenge; and that I trusted he would ere long be able to find means to strike an effective blow against them.

Colonel Gold replied on the 8th June as follows: "I have carefully considered your "wish for some blow to be struck to the southward, and after consulting with Captain "Seymour, R.N., we have come to the conclusion, that considering the very bad state "of the weather recently, and consequent breaking up of the roads, nothing could be "done of a satisfactory nature."

On the 23d June I received another communication from Colonel Gold, in which he says, "Nothing of particular import has taken place in the north, beyond the erection of "a pah near, but not on Tiera's land, which I shall take whenever you think proper. "To the southward some natives are going backwards and forwards a few miles from "Tataramika, and when they accumulate sufficiently I shall endeavour to bring them "to account. Perpetual rains have cut up the roads, and rendered them impassable."

There can be no doubt of our right to attack W. King, as a rebel in arms, defying Her Majesty's Government; but I am most anxious that our conduct in this war should not only be justified in the eyes of our countrymen, but admitted to be right by the Maoris themselves.

This delay is doubtless very calamitous to the people who are driven from their homes, but I regret it the less because the inclemency of the weather would have prevented effective operations in the field, and I learn that Wm. King is likely to remove all cause for forbearance on my part by recommencing hostilities against us.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE, Governor.

No. 26.

No. 26.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 63.)

Government House, Auckland, New Zealand, June 27, 1860.

(Received September 19, 1860.)

(Answered No. 68, September 26, 1860, page 265.)

MY LORD DUKE,

I HAVE the honour to forward an interesting report written by the Native Secretary, Mr. McLean, after the great meeting of natives on the Waikato, and another from Mr. Turton, a resident magistrate.

These reports show how widely disaffection has spread throughout the southern tribes. An intense desire to maintain a separate and distinct nationality, mixed with fear and alarm at the increase of the Europeans, is doubtless at the root of it. Their fears have worked on by designing or disaffected Europeans, sometimes through the press, but more generally by persons termed "Pakeha Maoris," *i.e.*, Englishmen dwelling among the Maoris, until the latter have become thoroughly suspicious of all in whom they used to trust. Many of them think that their only safety is in union, and that if united under a king of their own they might defy the intruder, and, to use their own expression, "fisn New Zealand out of the sea."

Some who entertain these sentiments have no illwill to us as a race, but have a strong patriotic love for their own people, which has been much strengthened since Christianity has prevented their indulging in the savage tribal wars which formerly rendered union impossible.

I am not without hope that the assurances of goodwill, and the guarantee given in the treaty of Waitangi, which I intend to renew publicly to the chiefs whom I have invited to meet me on the 2d July, may be attended with good effect.

If they can be prevailed on to put faith in these promises, and become loyal subjects,

the present difficulties may lead to much more satisfactory relations than any which have yet existed.

If I fail in persuading them to do so, we shall probably learn more of their real state of feeling and opinions than is yet known, and obtain information which will be very valuable for future guidance.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE, Governor.

Enclosure 1 in No. 26.

Encl. 1 in No. 26.

Report by Mr. McLean of Native Meeting on the Waikato.

Sir, Paetai, Waikato, May 31, 1860.

I have the honour to report to your Excellency the result of my observations with reference to the meeting at Ngaruawahia, which I attended from the 21st to the 29th instant.

2. The main object of the meeting was to confirm Potatau Te Wherowhero as king, and to erect his flag.

3. Great exertions were used to induce various tribes to attend; but the meeting was not by any means so large as had been expected, and was composed chiefly of the Waikato, Taupo, and Manuka natives. There were no deputies of distinction from any of the more distant tribes.

4. The total number assembled might be computed at three thousand. Of this number there were about twelve hundred males capable of bearing arms; the rest were indifferent spectators, women and children.

5. On the 24th instant the Lower Waikato and Manuka tribes arrived in a flotilla of fifteen canoes, announcing their approach by a discharge of musketry, which was replied to by a double file of men that surrounded Potatau's house, flanked by a large party of well-dressed women, under the direction of the wives of the chiefs, who gave the signal with a wand to sit down or stand up, repeating the song of welcome at intervals as the canoes slowly advanced. As the men landed a war dance was commenced, and indulged in with savage delight. After this food was placed before the strangers.

6. On the following day a spar for the flag staff was dragged out, and the war dances again resumed, with violent animation and excitement. In the afternoon they assembled, to have a korero or talk, assuming a less impulsive and more subdued tone than they had displayed in the morning, but still manifesting a firm resolution to carry out the project they had in view, and forcibly to resist any opposition that might be made to it.

7. Wiremu Nero, one of the bravest warriors in the Waikato country, assured me that the natives were intent on some mischief, which they would not openly disclose; and that, being there as the friend of the Europeans, with only a few unarmed followers, he did not consider his position in the midst of such savage excitement by any means secure, more especially as the Lower Waikato, on whom he had supposed some reliance could be placed, were acting a doubtful part. It was not difficult to perceive that Nero's attachment to the British Government was felt by the Kingites to be a severe blow to the success of their projects, and that it occasioned great enmity on their part towards him.

8. I advised Nero not to speak at the meeting, having heard that it was arranged to treat him with indignity, by making a woman stand up to reply. I therefore requested him not to hazard such an attempt, but to return to Raglan. While Nero was preparing to carry out this advice, his opponents were rather taken by surprise, and several leading men urged him to remain, as they should give him a fair and impartial hearing. This proposal, inasmuch as it placed him in a better position, was assented to.

9. The speeches were confined to a very few subjects, such as the welcoming of the Lower Waikato by the upper ones of Waipa and Ngatihana, asking them to be of one mind, to come and see their relative, Potatau; to erect the flag-staff as a means of preserving the island from further encroachment by the Europeans. They also expressed sympathy with Wiremu Kingi at Taranaki, and evinced mistrust of the Europeans.

10. The Lower Waikatos, through Ruihana, a clever speaker, favoured the erection of the flag-staff. They trusted the Taranaki question might be settled without further bloodshed, and endeavoured to elicit the opinions of the upper party by asking whether they intended peace or war with the Europeans generally, or whether it should be confined to Taranaki. The Upper Waikato would not disclose their ultimate intentions. They expressed discontent with the Governor for not consulting Potatau and the Waikato native assessors before he declared war; and said the land sold at Waitara would be held by them, conjointly with Wiremu Kingi, if the sale had taken place since the king's flag was sent there, or if he could establish a title; but if not, and his title proved defective, it shonld be handed over to the Governor.

11. Wiremu Nero spoke against their pretensions, declared himself favourable to the Europeans, denounced their proceedings as uncalled for, advised against erecting the flag-staff, and concluded by warning Tamihana of the Ngatihana not to implicate himself and his people in dangerous designs that threatened to disturb the peace of the country.

12. Te Ao-o-te-Rangi, of the Tainui tribe on the west Waikato coast, buried a small kit containing a few potatoes in the ground, covered it over, trampled upon it, and said, "I have had Hemi*, one of my children, killed by the Europeans, and another recently wounded. I bury my revenge for these grievances; I doubt whether any of you would be equally forgiving."

13. Kiwi, the old chief of the same tribe, said, "I am a bird from the ocean in the power of the Europeans, and shall always be their friend." Paora Pipi followed in the same strain. After several other speeches, Katipa's arrival was announced, and the meeting broke up for the day. Katipa and his followers marched up in single file; the young men dressed in white shirts, their heads decorated with feathers, to salute the king's flag. They then returned to their encampment.

14. On Saturday the meeting again convened, when Te Katipa, who had a short conference with me before he spoke, expressed his wish for a continued union of the two races; illustrating his speech by breaking a stick in two, and keeping the pieces separate in each hand, then joining them together in one, to represent his desire to be one with the Europeans. The Ngatiwhatuas of Auckland declared they would support the Europeans if attacked by the natives, but should be natives themselves if the Europeans were the first aggressors. This tribe, with their old chiefs, Apihai Te Kawau and Wetere Kauae, appeared to be the most earnest supporters of the Europeans of any of the tribes that accompanied them.

15. The natives who attended the meeting may be divided into three classes:—

First.—The large majority staunch supporters of the king movement.

Second.—Moderate adherents to it, while the object is the preservation of distinct nationality, the retention of land, the adjustment of grievances, and the preservation of peace.

Third.—Opponents of the king movement from a conviction that it is not calculated to promote any permanent good; its tendency to lead to a war of races; and to elevate one section of the people, to the exclusion of the whole from participation in any advantages to be derived from it.

The first class will fight to the last in support of the king movement, and will seize any opportunity or pretext for a general war. They assiduously assert most glaring untruths against the Europeans, to enlist the sympathy of distant tribes, and the present war at Taranaki is most opportune for the furtherance of their plans. The fame of Te Wherowhero or Potatau as a warrior, and the great influence possessed by him as a chief of the first rank, have led them to use his name in support of their designs, although he openly avows his disapproval of all their schemes that contemplate war with the Europeans. Hoani Papita of Rangiaohia, Powkom Titipa, Te Kihirini of Ngatihikairo, Wiremu Tamihana of Matamata, Te Heuheu of Taupo, and some chiefs of less importance, including a few young men, near relatives of Potatau, belong to this class.

In the second class there are some of Potatau's relatives who support the movement from motives of family pride, but would deprecate war unless certain of success; and assert that it is owing to Potatau's influence that peace is now preserved. Others of them watch the movement with great interest, giving it all the quiet support they can without openly committing themselves to any decided course of action that may eventually prejudice their position with the Government, should events issue in the downfall of the king party. Foremost among these are Takerei Te Ranangaanga, Tamati Ngapora of Mangere, Huirama, Tarahawaiki, Ihaka Taka-anini, and various others. A considerable number of the Waikato may be included in this class.

The third class are decidedly supporters of the British Government, so far as they can comprehend the nature of their obligations, and without reference to any immediate advantages to be gained. Wiremu Nero, Apihai Te Kawau, Te Ao-e-te-Rangi, and Te Raihi may be regarded as the representatives of this class, which is likely to be increased by the adherence of all those natives who wish to assert their independence, and free themselves from any restraint that may be arbitrarily imposed by Potatau's government, more especially if it interefere with their landed property by the assumption of manorial or other rights not heretofore admitted or recognised.

16. On Saturday I intimated to the natives that I should give to those of them who chose to listen to it a full explanation of the Waitara case on the following Monday. This they readily agreed to do.

17. On Monday morning I requested Wiremu Nero to return to Raglan, as I wished to show the natives that I did not require any support. During the afternoon of the same day the natives assembled; and after a few preliminary speeches, in which the Lower Waikato natives charged the others with ill-treating the Europeans at Kawhia and Waipa, and failed to elicit their sentiments about peace or war, I commenced my speech, in reply to a Ngatihana chief who boasted of the sympathy manifested by the natives of Wairarapa, Hawke's Bay, and Wellington, who had received the king's flag as a pledge of the retention of their land. I replied that the land referred to at Wairarapa and elsewhere had been sold to the Crown, and was the property of Europeans; that those who now placed that thing, meaning the King's flag, upon the land were worthless characters, deeply involved in debt, having no further right of disposal vested in them. That in order to gain fresh converts many were represented to be adherents of Potatau who were not so in reality; and that with reference to the Waitara question, for which they unjustly blamed the Governor, I should now give them the whole history of the case, with the particulars, of which I was fully acquainted.

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* This person died from the effects of an injury received in a drunken brawl in the streets of Auckland on Christmas eve, 1854. The jury brought in a verdict of manslaughter.

18. I commenced the statement from the time of the first sale to the date of Te Teira's offer of the land to the Governor in March 1859, showing how the Waikatos had ceded their rights in open daylight; and asked them how they could now in honour repudiate the solemn acts of their great chief Potatau, who sold the rights of the Waikato to Governor Hobson. How Wiremu Kingi had left the place without the expectation of ever again returning, adverting to the promise made by him in 1848 at Waikanae, that he would sell the south bank of the Waitara when he got back to Taranaki. How war had ensued after his return, despite the efforts of the Waikato and Ngapuhi chiefs and the Government to prevent it. That the Governor, at the request of the natives themselves, desired to put a stop to such murderous acts as were committed there. That it was not his object to make war for paltry pieces of land, but it was earnestly his desire to preserve the rights and lives of those natives who were unjustly trampled upon by others, when it was their wish to live in peaceful security. I alluded to the numbers who supported Te Teira in the sale of the land, which was not, as they asserted, sold by one individual; the previous desire of Wiremu Kingi to occupy the north bank, in order to protect himself and the Europeans from invasion by the Waikatos. I drew their attention to the impertinence manifested by them in prejudging the case, and accusing the Governor of wrong by making war hastily, while they were ignorant of the real state of the question, forgetting entirely that the Governor fully considered the case for a year, and had the land presented to him in presence of all parties concerned, in the open light of day, at a meeting at which I myself was present. I reminded them of the release of the Ngatiawa slaves by Waikato chiefs, and the consequent transfer of *mana* to those so released over the several districts occupied by them, as well as the transfer of the right of the Waikato, acquired by conquest, to the Government. I referred also to the pretensions of Wiremu Kingi, when permitted by the late Governor, Sir George Grey, to return to the land forsaken by him; the folly of magnifying an unimportant question into one of general interest, when the grounds for so doing had slipped from under their feet; the credence given to false reports on the subject of Te Teira's claim, supported as it was by about seventy claimants, some of them, such as Ropoama Te Ore of Aropaoa, chiefs of rank and distinction. I asked them how they supposed that the Governor, who cared nothing for land, would make war except on just grounds, and after careful investigation extending over a long period.

19. This speech, which occupied some time in delivery, was listened to with marked attention. Te Heuheu alone attempted to interrupt, when he found that I was carrying the feelings of the people with me. I told him to sit down, until I had finished. He did so; but as night was coming on it was suggested that I should postpone the rest of my speech until the next morning, to which I assented. Several chiefs on all sides complimented me on the clearness of the statement, notwithstanding the unpalatable nature of some of the sentiments conveyed.

20. The Ngatihana sent one of their chiefs to assure me that it had very much altered their views of the Taranaki question, and rendered them averse to going there. They also proposed to light large fires if I would finish the speech that night, as they were compelled to leave in the morning. I regretted that late indisposition prevented compliance with their request. They then visited Apihai Te Kawau, for the purpose of bidding him farewell, at the same time giving expression to more favourable sentiments than they had hitherto done.

21. Potatau afterwards corroborated what I had said, and blamed Te Heuheu for his uncalled-for interruption.

22. I prepared to meet the natives at an early hour next morning; and though the attempt was made to bring them together, a quarrel respecting a canoe, which seemed likely to end in the disputants coming to blows, drew off their attention. It was also evident that the promoters of the king movement had taken some alarm at the impression my statement was making, as they attempted, by the introduction of various diversions, to direct the thoughts of the people to other subjects.

23. Hearing that the flag-staff was shortly to be erected, and having no intention of being present to witness the ceremony, I told the natives that I could see through their motives in delaying to assemble, and that, as I had given them a reasonable time for so doing, I should remain with them no longer, although pressed to do so; and accordingly called on Potatau, to bid him farewell. I was induced to adopt this independent course from the belief that it would make a better impression than my further continuance with them. Indeed, during the whole of my intercourse with the natives of Ngamawahia, I deemed it advisable to pursue a like course, being desirous, as far as I could without giving offence, to mark my disapprobation of their proceedings. My only regret was that it deprived me of the free intercourse I used formerly to hold with Potatau, whom I still regard as a fine specimen of an intelligent New Zealand chief, subjected to the evil councils of his ambitious Maori adherents, and their unprincipled European advisers.

24. I called upon him in company with his honour the Superintendent, Messrs. Rogan, Smallfield, and Morgan, to bid him good-by. The old chief shook hands with me in a most friendly manner, holding my hand in his for a considerable time. He used the customary Maori farewell, "Go, return to your home;" adding, "I can assure you that I mean nothing evil, E Rini," using a familiar abbreviation of my name; "I mean nothing. It is not for me, for the black skin, to "speak or dictate to you, to the white skin. It is for you to direct or teach me. Am I not a "black? But, although the skin is black outside, the inside, or my heart, is white. Look at me," putting out his frail and shaking hand, as if appealing for commiseration, and meaning that he alone was left. "Farewell! go in peace to your home, farewell!" He was here interrupted by some of his councillors, who appeared anxious to listen to his words, fearing that he might make some concession.

25. I replied in the same friendly tone :—" Farewell, Potatau! Your own thoughts are good: it is well they should continue to be so. It is the people, or tribes, who are leading you astray. Farewell!"

26. I then introduced his honour and the other gentlemen, who all wished him good-by.

27. Potatau spoke at considerable length to Apihai Te Kawau of Auckland. His sentiments were, " Why should there be any evil? My own desire, as a person of small * influence, is that goodness and kindness should prevail. I love the Governor and the Europeans greatly." He then referred to Tapihana and Whaitere, troublesome characters at Kawhia and Waipa, as being descendants of fern diggers, or slaves; using this allusion to express his disapproval of their conduct to the Europeans. He expressed great satisfaction at seeing Apihai and Wetere.

28. Porokom Titipa was much displeased with Potatau's words, and said to Apihai, " Cut off my head, and use it as a calabash to carry water for you;"—after which he left the house.

29. Potatau resumed his speech in the same friendly terms, remarking that he alone was at Ngarnawahia; that his relatives were all buried near Apihai and the Governor.

30. The flag-staff was erected on the 29th instant, and named after Potatau's ancestor, Te Paue. The various ropes supporting it represented the different tribes who had given their adhesion to the king.

31. Potatau spoke publicly on this day for the first time, and told the Waikatos not to avenge his death, if he was taken prisoner, or killed by the Europeans; meaning, as I am informed by one of the chiefs who was present, that they were not to take revenge for any of his people who might be killed at Taranaki, as they went there against his will; that they should all live in peace, if the Europeans did not attack them on their own land, and maintain friendly relations during his lifetime. After this speech most of the tribes dispersed to their respective homes.

32. I could not gather during my visit to Ngaruawahia, although much blustering and excitement prevailed, that there was any intention to attack Auckland, or to molest the Europeans, unless they gave the first offence. It would not, however, in the present excited state of the natives, be prudent in any way to relax the precautionary measures that are being taken for the defence of the European population.

33. Wiremu Tamihana intimated that all European traders, or squatters on native land, should be removed; and a notice to this effect was issued in Potatau's name. This precaution was taken in order to prevent any quarrels arising between them and the natives, which might entail collision with the Government.

34. It is evident that Potatau has for years past felt, whatever he may say to the contrary, that his connexion with the Europeans, and his residence at Mangere, near Auckland, has divested him of much of the extensive influence and power which he had previously swayed over the Waikato tribes, and deprived him of the homage of his people, and the full recognition by them of his high position. Indeed his followers used to taunt him with having deserted them, and being nothing better than a " plate licker;" a derisive epithet applied to those who partially throw off their nationality, and become so far incorporated with Europeans as to assume English customs.

35. A New Zealand chief like Potatau, who could always lead several thousand warriors into the field, and who is, moreover, proud and sensitive, must often have felt the restraints imposed by intercourse with Europeans, and the little attention paid to him in an English town, compared with what he was accustomed to receive from his own people, whose displays of hospitality are so congenial to native ideas; and though fully prepared to admit and to appreciate the many advantages to be derived from intercourse with Europeans, these would scarcely be regarded by him, or indeed by any of the higher chiefs who attain Potatau's age, as sufficient compensation for the relinquishment of many of their long-cherished associations and customs. Nor is it easy to foresee how these feelings can be overcome, unless the chiefs are invited to take a more prominent part, subject to Government control, in the management of the various tribes owning allegiance to them. Indeed it may he safely asserted that the king-movement is not supported so much with a view to the regaining of national independence, but as a means of exacting such a recognition of their rights as may ensure the preservation of the declining influence and power of their chieftainship.

36. The king-movement is more remote in its origin than is generally supposed. The earliest attempt to establish a king was suggested by the Rev. Samuel Marsden, the founder of the New Zealand mission. The proposal was at first favourably entertained by some of the Ngapuhi chiefs, but failed in consequence of intertribal jealousies. The subject has, however, been frequently revolved in the native mind since that period. Te Heuheu of Taupo remarked to me, fifteen years ago, that he was king of the interior, and that the Tongariro mountain was his backbone; that the inferior tribes residing upon the sea-coast might sell their lands, but that he would neither alienate his nor submit to British rule. Iwikau, his brother, the present Heuheu, informed me that Heke had advised him, years before that time, not to alienate any land, and to watch with jealousy the increase of the Europeans. Subsequently, about ten years ago, Matere Te Whiwhi attempted to raise a king's standard, and visited Taupo, Rotorua and other parts of the interior, to enlist people in the cause; writing to the Waikato to join. Designing Europeans have constantly urged the movement. The natives themselves, a jealous and suspicious race, have only been restrained from carrying it into

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* These expressions of humility are often used by chiefs of high rank, out of compliment to the person they are addressing, some of whom, in a mixed assembly, are frequently of inferior rank.

effect at an earlier period through mutual distrust, which is now, after a long period of peace, beginning to disappear, by having their attention directed to the growing power and importance of the foreigner, who, some of them avow, they were simple enough to invite to the country in their days of childish ignorance; but now they have become wiser they seem resolved, to use their own expression, "to fish up the island," and to preserve all that remains of it as a lasting inheritance for their posterity. They are also labouring under the infatuated superstitious belief that they will be favoured by Providence in all encounters with Europeans which are undertaken for the purpose of regaining the sovereignty and independence of the land inherited by them from their ancestors, before it passes into the hands of strangers, who, they imagine, will treat them and their children as slaves, as they are informed has been the case in other countries held by Europeans. It is even difficult to remove the apprehension of the most friendly natives on this subject, when Europeans take great pains to fortify their suspicions by assuring them that such will be the ultimate result, if they do not, before it is too late, unite to resist the encroachments of foreigners. Even recently, when caution is so necessary, Europeans in Auckland have told the natives that the Governor, when he has exterminated Wiremu Kingi, will afterwards watch for opportunities to quarrel with others, and in the course of time indiscriminately destroy both friends and foes.

37. Land is used as a powerful lever for the maintenance of the king party; and constant appeals are made to the people to preserve the lands of their ancestors. It is not to be wondered at, that an imaginative and poetic race like the New Zealanders, whose memories live so much in the past, should have a strong attachment to the land of their forefathers. Almost every mountain, hillock, forest, valley, river, or stream has its particular history of wars, defeats, conquests, or secret repositories of their dead. Some spots are famous as being productive of the various kinds of food upon which they formerly subsisted; and while the Europeans are too apt to believe that the land is a mere article of commercial exchange, of little consideration beyond its monetary value, the natives, on the other hand, from motives not easily understood or appreciated, deem the alienation of certain spots which they regard with romantic veneration as a species of desecration.

38. I have heard an old chief rebuke his relatives, who offered to sell land, in the following words: "Why, my children, will you sell land for money that perishes before the bones of your grandfather "have grown cold in his grave." It is common with them to weep when passing the haunts of a departed friend. A Waipa native, who had been absent from the district for years, shed tears while eating potatoes at Auckland that were grown at his birthplace. Potatau's welcome to the Lower Waikatos, as they approached Ngaruawahia, was, "Welcome, my fathers and brothers, welcome! "come pull up in the water of your ancestors and fathers in the Waikato."

39. The migratory habits of the New Zealanders, their love of fishing, hunting, their long standing custom of changing their cultivations, in order to avail themselves of the various descriptions of soil suited to their crops; their ambition to be considered extensive landed proprietors, dread of cattle trespass, together with the restraints imposed by contact with European settlers, operate very much against the acquisition of territory, more particularly in districts where they consider their title is undisputed.

40. Some of the proceedings in connexion with the king movement are conducted very much in imitation of European usages. Records and journals of all matters of interest are preserved, and offices assigned to such of the chiefs as are most earnest in carrying out the various measures proposed. They have councillors, magistrates, constables; and one native surveyor, Wiremu Tamihana, an intelligent chief of the party, is actively engaged in preparing a new code of laws, using such portions of the "Nga Jure" which was published by the Government in Maori as may suit the purposes they have in view.

41. The present organization among the natives, if it had originated in a more friendly spirit, and been less ambitious and pretentious in form, might be regarded as an interesting feature of progressive advancement, which could be availed of as a means of governing them as a race, and improving their social condition, through fully recognized chiefs of their own election; but I fear that the movement is altogether too distinctive and national in character to admit of its being, at present, blended into any form which would recognize European direction or ascendancy.

42. Any concessions made would be construed into a recognition of their proceedings by the Governor, and gradually lead to a more decided assumption and dictation than would be found consistent with the true interests of the natives themselves, or compatible with British rule and supremacy.

43. In conclusion, I have much pleasure in bringing under your Excellency's notice the assistance I received from Mr. Rogan, of the Land Purchase Department, who accompanied me on my journey, and whose knowledge of the tribes residing on the west coast I found most valuable.

I have, &c.

(Signed) DONALD McLEAN,

Native Secretary.

To his Excellency Colonel T. Gore Browne, C.B.

New Zealand.

No. 27.

No. 27.

Copy of DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(No. 64.)

Government House,
Auckland, New Zealand,
June 28, 1860.

(Received Sept. 19, 1860.)

My Lord Duke, (Answered, No. 71, Sept. 26, 1860, p. 266.)

I have the honour to forward a letter addressed to your Grace from the Right Reverend the Lord Bishop of Wellington and the Venerable Archdeacon Hadfield.

Had this letter been written by persons less entitled to respectful attention than the Right Reverend Prelate and the Archdeacon, I should have forwarded it without comment; but as the statements it contains are made by men in their high and respected positions, it is due to myself that I should prove to your Grace that they have been made without sufficient information.

Extracts from the Bishop's letter.—1. Whereas in England no wars affecting the community are engaged in without the public mind being well informed before hand, in this case the Governor's attack upon the Maori chief, W. King, took the whole colony by surprise; and as an appeal to his Excellency on behalf of the native rights has been unsuccessful, our only resource is to address Her Majesty's Secretary of State for the Colonies.

His Lordship appears to ignore the fact, that on the 12th March 1859 my intention to purchase Teira's land, if he could prove a title, was publicly announced in the presence of Wm. King; was commented on in every newspaper in New Zealand, and then reported to your Grace. Nine months were occupied in the consideration and careful investigation of the vendor's title, and on the 25th January 1860 the case was brought before the Executive Council, when "the Council, after full consideration of the circumstances of the case, advise,

"1st. That Mr. Parris be instructed to have the land surveyed in the ordinary "manner, and to take care that the native chief, Wm. King, be indirectly, but not "officially, made aware of the day on which the survey will be commenced.

"2d. Should Wm. King or any other native endeavour to prevent the survey, or "in any way interfere with the prosecution of the work, in that case that the "surveying party be protected during the whole performance of their work by an "adequate military force under the command of the senior military officer, with which "view power to call out the Taranaki militia and volunteers, and to proclaim martial "law, be transmitted to the commanding officer at New Plymouth.

"3d. That when the survey shall have been completed, the officer commanding at "New Plymouth shall, until further instructed, keep possession, by force, if necessary, "of the said land, so as to prevent the occupation of or any act of trespass upon it by "any natives.

"4th. That the civil authorities at New Plymouth be instructed to assist and co-operate "by every means in their power with the military authorities in carrying out these "instructions.

"And the Hon. Colonel Gold and the Hon. C. W. Richmond are to give the "necessary directions accordingly."

The officer commanding at Taranaki did not carry out his instructions in the manner intended. When the surveying party was interfered with, he proclaimed martial law, but, considering his force insufficient, did not afford military support. In the last supposition he was probably right, but he should not have used the supplementary power given to enable him to embody and control the settlers when he was not prepared to employ them.

I have entered into these apparently unnecessary details because the power given to declare martial law has been alleged as a proof that I had long entertained a secret intention of making war with Wm. King, and this is probably what the Bishop means when he says the colony was taken by surprise. I certainly did not contemplate war, and it was not Her Majesty's troops but Wm. King who commenced it.

The native title to land over the whole of the Middle Island and over seven millions of acres in the Northern Island has been extinguished by the officers of the native department, acting under similar instructions to those given on the occasion referred to, a copy of which is enclosed. His Lordship also well knows how earnestly I, following in the steps of my predecessor, have endeavoured to induce the Maoris to submit to law, and he knows how very partial the success has been. Would it then have been wise or prudent to establish a special tribunal to try this case, no similar one having ever been brought before any court of law or equity; to do this without any assurance that the decision of the court would be respected, but with a certainty that it would be derided if unfavourable to the respondent? The Bishop states that the head of the department did not investigate the title; but his statement is inaccurate, as your Grace may see by Mr. McLean's report, forwarded in my Despatch, No. 63,* of June 27, 1860, in which the subject is incidentally mentioned.

Extracts from the Bishop's letter.—Whereas the case would have been most certainly referred to the *law courts* if a question of ownership of land had arisen between two Englishmen (one of whom wished to sell land to the Government) or between the Government and an Englishman, it is unjust to the natives to have denied them equal rights, and to have had immediate recourse to arms, instead of applying to the Supreme Court, or, in case of there being any technical difficulty about that, of appointing a special commission composed of English magistrates and native assessors to decide the case on *sworn* evidence; and it is unjust that the decision of a native title to land, which the English Government wanted to buy, should have been left to one or two subordinate officers of the native department, being English residents on the spot, while the head of the department was not sent to investigate the title until hostilities had commenced.

* Page 68.

Whether or not Wm. King ever was a useful ally to the British Government is much questioned, and has little relation to the subject. For the last seven years he has been a turbulent chief, constantly engaged in bloody feuds, and although not choosing to submit his independence to King Potatau, avowing determined hostility to the settlers and disaffection to the Queen's Government. He declined meeting me when I arrived in the colony in 1855, being then engaged in a feud in which Rawiri and other friendly natives had been murdered, on account of their desire to sell land to the Government, and he has been constantly engaged in one feud or another since then.

Extracts from the Bishop's letter.—Whereas great stress is laid on the growth of the Maori King movement as a ground for expecting native disturbances, it is much to be regretted that his Excellency should have dealt a blow at the *one great southern chief* who had effectually set his face against this league previously to the breaking out of this war.

The various statements submitted to your Grace will have convinced you, that instead of having singled out W. King for an armed attack, I used every possible forbearance towards him, and that he commenced the attack upon the troops by building a pah on the land purchased, to interrupt the road between the camp and the town; dancing a war dance in face of the troops, and refusing to receive the message sent to him by Colonel Gold.

Extracts from the Bishop's letter.—Whereas in 1846 Wm. King was the firmest and most useful ally of the British Government in the war against Te Rauperha and Te Rangihaeta, it is much to be regretted that instead of recourse being had to legal or amicable arbitration, he has been singled out for an armed attack, because he refused to let another sell land which he (W. King) claims for himself and other members of his tribe; though he allowed that Teira had a certain (usufructuary) title to a part of it.

Native title to land is too difficult a subject to be discussed in a paragraph, but I may repeat that nine months were occupied by persons constantly engaged in carefully considering and investigating this particular title. A statement of the case is in course of preparation, and shall be submitted to your Grace by an early mail. In the meantime I may say shortly that during the great Waikato meeting an important chief stated in presence of the assembly without contradiction, that "We know the land belongs to "Teira, and had it been some years ago we should not have interfered; but now the "sale is opposed to the 'mana' of the Maori king."

I submit to your Grace that I did not make this purchase without full consideration and the most careful investigation; that every means were adopted to induce Wm. King to withdraw his improper interference with the rights of a chief his equal in rank, but without effect; that, so far from violating the spirit of the treaty of Waitangi in the present instance, I should have violated it had I failed to make the purchase from Teira, because the treaty, while it guarantees full and undisturbed possession of their land, estates, &c. &c. held collectively or indi-

Extracts from the Bishop's letter.—But to act in accordance with the letter and spirit of the treaty of Waitangi, which guaranteed to them their rights of property as original owners and as British subjects (2d and 3d Articles) and so to save to the empire, &c. &c.

NEW ZEALAND.

vidually, reserves to Her Majesty the exclusive right of pre-emption over such lands as the proprietors may be disposed to alienate. To refuse this purchase, therefore, at the instance of a chief at enmity with the vendor, would have been an act of injustice at variance with the spirit of the treaty, deserving that condemnation which his Lordship, in the absence of accurate information, now awards.

In his postscript his Lordship gives an illustration as follows:—

It is remarkable that not only did I never assent to such an Act, but that no such Act was ever passed by the New Zealand Assembly; added to which, my Despatch No. 80, of September 1859, will satisfy your Grace that my views on this subject are very similar to those of his Lordship.

P.S. As an illustration of the "different course" adopted towards natives to what has been adopted towards Englishmen, I would mention that his Excellency in 1858 allowed an Act to be passed by the General Assembly forbidding natives to endow with land their *own* (not English, but) native ministers of religion, and that when a large body of natives, &c. &c.

Apologizing for thus occupying so much of your Grace's valuable time,

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

P.S. I enclose copy of a memorandum by my responsible advisers, and a printed statement, to which the Bishop alludes.

T. G. B.

Encl. 1 in No. 27.

Enclosure 1 in No. 27.

MY LORD DUKE, Wellington, New Zealand, June 1, 1860.

BELIEVING that permission is granted to any of Her Majesty's subjects in the colonies to address the Secretary of State through the Governor on matters affecting the welfare of Her Majesty's subjects, we request your Grace to consider the following brief memorandum on the origin of the Maori war, in which a part of this colony is at present involved, and which may spread to other parts of the Northern Island, if Her Majesty's Government encourage the prosecution of it.

1. Whereas in England no wars affecting the community are engaged in without the public mind being well informed beforehand, in this case the Governor's attack upon the Maori chief, Wiremu Kingi, took the whole colony by surprise; and as an appeal to his Excellency on behalf of the native rights has been unsuccessful, our only resource is to address Her Majesty's Secretary of State for the Colonies.

2. Whereas the case would have been most certainly referred to the law courts, if a question of ownership of land had arisen between two Englishmen (one of whom wished to sell land to the Government), or between the Government and an Englishman, it is unjust to the natives to have denied them equal rights, and to have had immediate recourse to arms, instead of applying to the Supreme Court, or, in case of there being any technical difficulty about that, of appointing a special commission composed of English magistrates and native assessors to decide the case on sworn evidence; and it is unjust that the decision of a native title to land which the English Government wanted to buy should have been left to one or two subordinate officers of the native department, being English residents on the spot, while even the head of the department was not sent to investigate the title till hostilities had commenced.

3. Whereas great stress is laid upon the growth of the Maori King movement, as a ground for expecting native disturbances, it is much to be regretted that his Excellency should have dealt a blow at the one great southern chief who had effectually set his face against that league, previously to the breaking out of the war.

4. Whereas in 1846 Wiremu Kingi was the firmest and most useful ally of the British Government in the war against Te Raupereta and Te Rangihaeata, it is much to be regretted that, instead of recourse being had to legal or amicable arbitration, he has been singled out for an armed attack, because he refused to let another sell land which he (W. Kingi) claimed for himself and other members of his tribe, though he allowed that Te Teira (the native who wished to sell) had a certain (usufructuary) title to a part of it (see pp. 2, 3, of an authoritative statement published by his Excellency).

Under these circumstances we would venture to suggest that your Grace would direct his Excellency not to adopt a different course towards natives from which he would towards Englishmen, but to act in accordance with the letter and spirit of the treaty of Waitangi, which guaranteed to them their rights of property as original owners and as British subjects; and so to save to the empire and the colony a large expenditure of blood and money, which can only end in destroying the fruits of Christian civilization that it has been the paternal policy of the British Government to foster for the last 15 years.

We have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

C. J. WELLINGTON, Bishop.
OCTAVIUS HADFIELD, Archdeacon of Kapiti.

P.S. As an illustration of the "different course" adopted towards natives from what has been adopted towards Englishmen, I would mention, that his Excellency in 1858 allowed an Act to be passed by the

General Assembly forbidding natives to endow with land their own (not English, but) native ministers of religion, and that when a large body of natives on the west coast, between Rangitihei River and Waikanae (50 miles apart), wished to set apart 10,000 acres as an endowment for Maori clergymen of their own church, they were not allowed to do so. I have no hesitation in saying that this Act, which prevents Maoris from doing what every other British subject is allowed to do, namely, endow his own church with land in his own lifetime, has tended as much as anything to alienate their affections from the Government, and has driven them to join the Maori King movement. I might go on to speak of the impolicy of such an Act, which tends to make the natives unwilling to sell their land, for fear of depriving their children and posterity of all means of supporting the ministers of religion; but I only allude to this Act to show that the words used in the memorial are not used without reason.

C. J. WELLINGTON.

Enclosure 2 in No. 27.

Encl. 2 in No. 27.

INSTRUCTIONS to LAND PURCHASE COMMISSIONER.

Chief Land Commissioner's Office,
Auckland, August 26, 1857.

SIR,

I HAVE the honour, by direction of his Excellency the Governor, to convey to you the following instructions for your guidance in conducting the purchase of land from the natives in the Taranaki province:—

1. In order to facilitate your negotiations, it will be necessary for you to study with great care the history and genealogy of the Taranaki tribes, from their early location at Ngapuketurna on the banks of the Waiongona river up to the date of their dispersion and conquest by the Waikato; also to make yourself acquainted with the subsequent migrations, intermarriages with foreign tribes, and other changes affecting title that have occurred amongst the Ngalitama, Ngalimulunga, Ngaliawa, Ngamohi, Taranaki, Ngaliruanui, and Ngarauru tribes, from that period up to the present date.

2. Having well fortified yourself with this general knowledge, which will greatly facilitate your future operations, you should devote your attention to a careful and minute investigation of the rival claims of the several subdivisions of those tribes in such localities as they are most anxious to cede to the Government, bearing in mind that the object of your investigations should not be confined to acquiring a knowledge only of the natives actually residing on the land, but should be extended to those also who are intermarried among neighbouring tribes, as well as to those who are living in distant districts of the colony.

3. In pursuing your inquiries amongst the resident natives, you should not appear to attach much weight to the claims of absentees, as it may be assumed that they have acquired a vested interest in land elsewhere, and should not now be considered as having an equal claim with their relatives who remain in actual possession of the soil.

4. At the same time I am desired to state that it is his Excellency's wish to have a separate investigation of the claims of absentees, instituted at the places where they reside, when they will be settled with in proportion to the relative merits of their claims, on a basis which will fully preserve the distinction which should be made between resident and non-resident proprietors.

5. To acquire a knowledge of the state of native title in your district is a preliminary of such urgent importance that I cannot too earnestly request your attention to it, and I believe you will generally find the natives willing to communicate all that is requisite on this head, if you will only lead them to the subject, by referring to their past history, their feuds, wars, bravery, defeats, conquests, or any other subject of personal or tribal interest that may encourage them to converse freely and without reserve on the land question.

6. A record of all claims submitted by the natives should be noted by you in a book kept expressly for that purpose, more especially in those cases where conflicting interests have to be dealt with; and great care should be taken not to give too much prominence to that class of claimants who are frequently the first to offer their lands for sale, from the fact of their title being in many instances very defective. The actual owner, in contradistinction to the class to which I have just referred, seldom makes a noisy or boasting demonstration of what his claims really are. It may therefore be inferred, from his silent and uncompromising demeanour, that his rights are not to be trifled with, and that without his acquiescence it will be impossible to make a valid purchase. This class of claimants it will be your duty to search out, as they will be the least likely, from feeling secure in the justice of their cause, to press themselves upon your notice.

7. Having thus adverted in general terms to the preliminary duties devolving upon you, I have now to direct your attention to the more practical part of your operations, including those of a financial nature.

8. I have applied for and obtained the sanction of the Government to have the sum of 3,000*l.* placed at your disposal whenever an opportunity offers for transmitting it to the sub-treasurer at New Plymouth, to be drawn from him on your requisition, as you may need it for land purchases, and to be accounted for by you to that officer from time to time as the disbursements take place.

9. Duplicates of such accounts must also be duly forwarded to this office, with certified vouchers, showing how the expenditure was incurred, and the extent of land obtained by you to represent such expenditure.

10. It may be requisite for you to retain the original deeds at Taranaki, and to have them registered in that province; but in all such cases duly certified copies, with translations, must be transmitted with the duplicate accounts, for registry in this office.

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11. It is of importance that the Government should be kept constantly advised of the actual and probable liabilities that may be from time to time incurred for the acquisition of land in Taranaki, in order that provision may be made for any sudden demands under particular emergencies, such as an unexpected and unanimous offer by the natives to sell land, for which a large sum might be called for. You will therefore furnish monthly accounts of your disbursements, together with an approximate estimate of what may be needed for this service in each ensuing month.

12. From the great difficulty of obtaining land at New Plymouth, and the numerous claimants that are to be satisfied before any valid purchase is concluded, it will, no doubt, be found necessary to pay a higher price for waste lands in your district than in any other part of New Zealand. The exact terms on which land can be acquired it is difficult to state. I need not, however, add that it is an object of great solicitude on the part of the general Government to have purchases made on terms the most advantageous for the public interests. You may consider yourself authorized to pay at rates varying from 1*s.* to 3*s.* per acre, according to quality and position, for lands of fair average value; and even that limit may, in some special and extraordinary cases, be exceeded, if you give timely notice of the necessity for so doing.

13. Much must, however, be left to your own judgment and discretion in making the best and most economical terms with the natives; and I may add, that it is not the desire of the Government to fetter you with any instructions that will impede your operations in carrying out such an important and peculiarly difficult duty as the purchase of land in the province of Taranaki.

14. If you find it necessary to make purchases, subject to the condition of large reserves for the natives, I should prefer that you should follow the system adopted in the Hua purchase; that, namely, of allowing the natives (subject to certain limitations) a pre-emptive right over such portions as they may desire to re-purchase, such land to be thenceforward held by them under individual Crown grants, instead of having large reserves held in common.

15. I enclose herewith, for your guidance in such cases, copies of correspondence in reference to the Hua block, together with Mr. Commissioner Rogan's report upon the selections and repayments for the several sections repurchased out of that block.

16. In making reserves for such of the natives as are indisposed to be interspersed with the Europeans, you will endeavour, as far as possible, to induce them to select situations that are well defined by rivers or other natural boundaries, as a means of preventing the endless cases of cattle trespass and other disputes that must be of frequent occurrence in the Taranaki district. At the same time every possible facility should be offered to the young and more intelligent natives to acquire land by repurchase from the Crown, in order that their present system of communism may be gradually dissolved, and that they may be led to appreciate the great advantage of holding their land under a tenure, more defined and more secure for themselves and their posterity, than they can possibly enjoy under their present intricate and complicated mode of holding property.

17. I enclose also a copy of the draft from a native deed, to be used by you, subject to such variations as you may find necessary.

18. From your long residence at New Plymouth, and knowledge of the natives, there is every reason to hope that your negotiations will shortly be attended with success; and I trust that every due precaution will be used by you to effect purchases in such a manner as to prevent disturbances amongst the natives. To this point his Excellency the Governor directs particular attention.

19. It is most essential that the utmost harmony and unity of action should prevail between the several officers of the native department, as nothing will prove so destructive to the influence that should be preserved over the natives as disagreement between the officers of the same service, and nothing of which a keen and discerning race like the Maories will be so apt to take advantage. Whatever differences, therefore, of opinion may be entertained by officers in reference to native subjects, I feel that it is hardly necessary for me to do more than incidentally remark that such differences should never be allowed to interfere with the friendly relations that ought always to subsist between gentlemen in the same department of the public service, and which will, I trust, remain unimpaired as between yourself and the Assistant Native Secretary at New Plymouth.

20. Wishing you every success in your negotiations, and generally in fulfilling the delicate and difficult duties which now devolve upon you,

I have, &c.
(Signed) DONALD MCLEAN,
Chief Commissioner.

Encl. 3 in No. 27.

Enclosure 3 in No. 27.

Memorandum by C. W. Richmond, Esq., on the Bishop's Letter.

Auckland, June 26, 1860.

Native Affairs.—His Excellency's responsible advisers do not consider it necessary to make any lengthened comment on the letter addressed to his Grace the Duke of Newcastle by the Bishop of Wellington and Archdeacon Hadfield on the subject of the existing Maori war, because the principal arguments of the letter are identical with those used by the Bishop of New Zealand in his protest against the resolution of the Provincial Council of Hawkes Bay, an answer to which was forwarded to the Secretary of State by the last English mail.

A few points only require notice.

1. It is true that the public of the colony was not previously informed of the Governor's intention to support the survey of Teira's block by a military force; an employment of the troops which the

writers erroneously term "an attack upon Wiremu Kingi." The question was one of imperial policy, the public agitation of which in the colony would have been likely to produce more harm than good. The Secretary of State will at once perceive that there is no perfect analogy between the position and rights of the English public, in relation to questions of peace and war, and those of the people of a dependency.

2. The only question raised in the purchase of Teira's block was W. Kingi's right to put a veto on the sale. This question was absolutely decided by the Governor's acceptance of Teira's offer in the face of Kingi's known opposition. The Governor's decision to accept Teira's offer was in accordance with the advice of the Chief Land Purchase Commissioner, and was signified by that officer to the assembled natives. Besides which, the whole negotiations were subject to the control of the Chief Commissioner, with whom all the district commissioners correspond.

3. It is true that W. Kingi has never adhered to the Waikato king movement, nor yielded to the pretensions of the followers of Potatau (or Te Whero Whero), the former mortal enemy of the Ngatiawas; but he is as steadfastly opposed to the Queen's supremacy as the Waikato party. In Taranaki he has always been the centre of the land league, the ultimate object of which is identical with that of the proper king party.

4. No such Act of Assembly as is referred to in the postscript exists. The law on the subject of alienations of territory by the natives has not been altered during his Excellency's term of office, except that by "The New Zealand Native Reserves Act, 1856," facilities which did not previously exist were granted for the endowment by the natives of schools and other eleemosynary institutions, and for the grant by them of sites for churches and burial grounds. It is much to be regretted that the Bishop and the Archdeacon should have hastily committed themselves to an opposition to the Governor's policy upon grounds so slender and ill considered as this and the other assertions of their letter.

(Signed) C. W. RICHMOND.

Enclosure 4 in No. 27.

Encl. 4 in No. 27.

STATEMENT relative to the Purchase by the British Government of Te Teira's land at Waitara, Taranaki.

(This statement will be found printed at page 19.)

No. 28.

No. 28.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

Government House, Auckland, New Zealand,
July 6, 1860.

(No. 65.)

(Received September 13, 1860.)
(Answered No. 70, September 26, 1860, p. 266.)

MY LORD DUKE,

A STEAMER having been ordered to proceed on special service to Sydney, I am enabled to forward to your Grace some reports I have received from Colonel Gold since the departure of the English mail.

In my Despatch, No. 61,* of the 26th June, I informed your Grace that I had requested Colonel Gold to refrain from attacking William King until he offered fresh provocation; but though my reasons for imposing this restraint had reference only to the effect an attack upon William King would have on other tribes, I was well convinced that any attempt to destroy the pah he then occupied (which was almost inaccessible) would prove abortive.

* Page 67.

Since then William King has (as I expected) left his stronghold in the bush, and built a pah within a mile of the English camp at the Waitara, and on the 23d June his men fired on a reconnoitering party sent out by Major Nelson. (Vide Report, Enclosure No. 1 A.)

When Colonel Gold received information of this he reinforced the troops at the Waitara, and instructed Major Nelson "to teach the troublesome natives a lesson they will not easily forget."

Accordingly, on June 27th, Major Nelson, with a force consisting of 348 men of all ranks, made an attack upon the new pah. After a severe and gallant conflict he was obliged to retire, with a loss of 30 killed and 34 wounded.

Considering the difficulty which Colonel Gold himself experienced (on 17th March) in the capture of a pah built in a very inferior manner in a single night, the prudence of an attack upon this pah with so small a force, without support or co-operation from New Plymouth, seems doubtful, more especially as the new pah stands in a position far more

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formidable than the last, is strongly fortified, and William King's numbers were known to be increased. I have thought it my duty to invite Colonel Gold's attention to the subject, and forward a copy of my letter to him.

This reverse is likely to have a prejudicial effect upon our relations with the Maori race generally, and it is not easy to fortell the consequences.

I have sent two guns from H.M.S. "Iris," and ninety-eight men (chiefly from the reinforcement received by the "Nugget"), to Colonel Gold, leaving Auckland protected only by the militia, volunteers, and one hundred and twenty men of the regular troops.

Commodore Loring, C.B., has also consented at my request to go down with some sailors from H.M.S. "Iris," and H.M.C.S. "Victoria," in the "Cordelia," to Taranaki. When there, he will offer to assist, with one hundred and eighty sailors and marines, in any operation Colonel Gold may desire to undertake at once. I have, however, requested the Commodore not to remain longer than is necessary, as in his absence Auckland will be left without sufficient protection.

In accordance with Colonel Gold's request (copy of which I enclose) I write by this mail to Major General Pratt, requesting him to send any of the troops still remaining in Australia which can possibly be spared.

I enclose the last return I have received of the troops serving in New Zealand.

In conclusion I would observe that while I anxiously desire to be empowered to offer the remedial measures submitted in my Despatch No. 80, of 20th September 1859, to which I have received no reply, I am convinced that nothing will be accepted or attended with good effect until the Maoris are satisfied that our forbearance is not the result of weakness; they must be convinced that they cannot defy Her Majesty's arms, and slaughter our unarmed settlers, with impunity. To carry this policy into effect a large force will be necessary for some time to come, and I wait anxiously to hear that Her Majesty's Government has been pleased to attend to my earnest request on this subject.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Encl. 1 in No. 28.

Enclosure 1 in No. 28.

SIR, New Plymouth, June 30, 1860.

I HAVE the honour to forward, for the information of your Excellency, the enclosed copy of a correspondence on the subject of the recent engagement at the Waitara, together with the list of casualties sustained on that occasion.

I have, &c.

His Excellency the Governor of New Zealand, &c. &c. &c.

(Signed) C. E. GOLD, Col. Commanding.

Encl. 1 A in No. 28.

Enclosure No. 1 A in No. 28.

SIR, Camp Waitara, June 23, 1860.

I HAVE the honour to report, for the information of the officer commanding the forces, that observing this morning a fire burning in rear of a belt of fern south-east of the camp, and natives apparently employing in cutting wood and carting it to the Pukitukawiri pah, and having reason to believe that they were aggressing on Her Majesty's land, I directed Lieut. Mould, R.E., to proceed and reconnoitre the ground. This officer accordingly left the camp, supported by an escort. He found it to be a raupo swamp (not a deep one), from which the hostile natives seemingly obtain all the materials for the Wharres in their new pah. The spot is on a portion of Her Majesty's land. Having performed the duty, they were on their return to camp, when they were fired upon by the natives from the old pa at the extremity of the ridge to the south-east of the camp, and about half a mile from it (this, I believe, is also on Her Majesty's land), as well as along the top of the ridge, in the direction of the pah from which natives were seen to come out to the number of about 150, extending as they descended. Three shots were fired by the hostile natives before the escort returned the fire; this it did until nearly reaching the camp. To cover the escort I directed the artillery to open fire.

From what was observed there were some casualties among the rebels, but the exact number I cannot say.

The officers and men behaved with great steadiness.

I enclose a return of ordnance ammunition expended.

I have, &c.

The Major of Brigade, &c. &c. &c. Taranaki.

(Signed) THOMAS NELSON, Major 40th Regiment, commanding Detachment.

Enclosure 1 B in No. 28.

SIR, New Plymouth, June 26, 1860.

IN consequence of the representation contained in your letter of the 23d inst., I am directed by the Colonel commanding the forces to acquaint you that he sends down, per "Tasmania Maid," an augmentation to your force as per margin,* as he trusts that with them you will be enabled to teach the troublesome natives a lesson they will not easily forget. Encl. 1 B in No. 28. * Not stated.

You will be pleased to take every necessary precaution against the wily foe, as regards ambuscades, which the friendly natives would be the best to discover, and also, if possible, to cut off their retreat. From the elevated position of the rebels a good view can be obtained of your camp, which must be left amply garrisoned, all remaining on duty armed and accoutred.

I have caused ample information to be afforded to Captain Richards, 40th Regiment, and Lieutenant Mc Naughten, R.A., and I am directed to add that Colonel Gold (from your former experience) relies confidently on your proceedings.

I have, &c.

Major Nelson, Commanding Detachment, Waitara.

(Signed) JAMES PAUL, Capt. 65th Regiment, Acting Major of Brigade.

Enclosure 1 C in No. 28.

SIR, Camp Waitara, June 27, 1860. Encl. 1 C in No. 28.

I HAVE the honour to inform you, for the information of the Colonel commanding, that, in reference to your letter of yesterday's date, I moved out this morning at 5 o'clock with the detail noted in the margin, to attack the new pahs in the mounds on the south-east of the camp, and returned from thence to camp at half-past 11 a.m.

The attack was commenced by the artillery at 7 a.m., at a range of 400 yards to the north-west of the pahs. A breach was, however, not made in the large pah of a sufficient size to justify me in ordering the men to assault it. During the time the artillery was playing on the pah, large bodies of Maories were seen advancing from the rear and occupying in extended order a ditch and bank about 400 yards in advance of our right flank, from which they kept up a constant fire.

ROYAL ARTILLERY.
2 24-pounder Howitzers.
1 Officer.
1 Serjeant.
19 Men.

ROYAL ENGINEERS.
1 Serjeant.
6 Men.

Seeing there was no means of entering the pah, I immediately ordered an advance towards the ditch and bank just mentioned, which was made in a most continued and gallant manner, until the men reached a deep ravine with an entrenchment behind, and which they found impossible to pass, it being defended by two if not even three large bodies of Maories, who were almost entirely concealed behind it, and another entrenchment in rear, as well as the very high fern. Here a desperate and destructive fire was opened upon us, and most gallantly returned.

NAVAL BRIGADE.
4 Officers.
50 Blue Jackets.

ROYAL MARINES.
1 Officer.
10 Rank and File.

Our skirmishers being far fewer in number, and exposed in a much greater degree than the enemy, I deemed it desirable to direct them to join the main body; and our ammunition being nearly expended, I withdrew the whole of the men, and returned to camp in regular order.

40TH REGIMENT.
10 Officers.
245 Men.

I regret to have to report that the casualties have been numerous; but when, as it is supposed, the whole of W. King's natives came down to support the Waikatos in the pahs,—the whole amounting apparently to about 800 men (foremost among whom was an European, who was shot dead),—it cannot be considered that the number is great in proportion to those opposed to us.

Among the deaths I have to lament that of Lieutenant Brooke, 40th Regiment, who fell in the noble discharge of his duty, and 29 non-commissioned officers and men of the different corps; among the wounded, Captain Seymour, R.N., severely, and 33 non-commissioned officers and men of the different corps. I enclose a return of casualties. The loss of the rebels, from personal observations, must have been very great.

I cannot speak too highly of the gallant bearing of the officers and men of all arms engaged; and I would particularly beg to mention the valuable services rendered by the several officers in command, viz., Lieutenant McNaughten, R.A., Lieutenant Battiscombe, R.N., Lieutenant Morris, R.M.A., Captains Bowdler and Richards, 40th Regiment.

I would also desire to express my sense of the very valuable services of Captain Seymour, R.N., who was so good as to accompany me, and afforded me every assistance until he was severely wounded.

I feel much indebted to Assistant Surgeon B. Stiles, 40th Regiment, Assistant Surgeon Edwards, R.N., and Mr. J. M. Murray, Surgeon (attached to the 40th Regiment), for the very efficient services they afforded to the wounded in the field.

My best thanks are due to Lieutenant Mould, R.E., who attended me, and my Staff Officer, Ensign and Acting Adjutant Whilan, Detachment 40th Regiment.

I have, &c.

The Major of Brigade, Taranaki.

(Signed) THOMAS NELSON, Major 40th Regiment, Camp Waitara.

P. S.—5 p.m. I have just visited the wounded in the Wharries and hospital tent; there are five dangerous cases, the remainder are doing as well as could be hoped for.

(Signed) T. N.

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Enclosure 1 D in No. 28.

Encl. 1 D in No. 28.

RETURN showing the list of Killed and Wounded on the 27th June 1860.

Corps.	Killed.					Wounded.					Remarks.
	Captains.	Subalterns.	Sergeants.	Corporals.	Privates.	Captains.	Subalterns.	Sergeants.	Corporals.	Private.	
Royal Artillery - -	—	—	—	—	—	—	—	—	—	3	Grand Total.
Royal Naval Brigade -	—	—	—	—	—	1	—	1	—	8	Officers - - 2
40th Regiment - -	—	1	1	3	25	—	—	—	—	19	Non-commissioned officers - - 5
	—	1	1	3	25	1	—	1	—	30	Privates - - 57
Add to 40th Regiment -	—	—	—	—	—	—	—	—	—	2	
											64
Totals -	—	1	1	3	25	1	—	1	—	32	

(Signed) THOMAS NELSON,
Major 40th Regiment,
Commanding Camp, Waitara.

(Signed) B. STILES,
Assistant-Surgeon 40th Regiment.

Encl. 2 in No. 28.

Enclosure 2 in No. 28.

The GOVERNOR to Colonel GOLD.

SIR, Government House, Auckland, July 5, 1860.

I HAVE the honour to acknowledge the receipt of your letter, No. 2,624, dated June 30, enclosing copies of a correspondence on the subject of the recent engagement at the Waitara.

The conduct of Major Nelson, Captain Seymour, R.N., and of the officers, non-commissioned officers, and privates engaged, deserves the highest commendation, and will doubtless meet Her Majesty's gracious approval.

Looking at your own experience of the difficulty which attended the capture of a pah built in a very inferior manner in a single night, it does not appear clearly by your letter why Major Nelson was directed to attack a pah on so formidable a position, known to be strongly fortified, with so small a force, and without support or assistance from New Plymouth.

The occurrences reported in your letter remove all necessity for restraint in our future dealings with any natives in arms against Her Majesty's Government; I have, therefore, only to instruct you generally that it is necessary that they should be brought into submission, and to remind you (*vide* my Despatch of May 22) of the importance of carrying into complete effect any operations you may undertake as the Maoris invariably construe even escape into victory.

You will take such means as you think proper to carry this object into effect, and may rely upon my most immediate attention to your wishes, and the utmost assistance in my power to afford.

I have, &c.

The Honourable Colonel Gold,
Taranaki.

(Signed) T. GORE BROWNE.

Encl. 3 in No. 28.

Enclosure 3 in No. 28.

SIR, New Plymouth, June 30, 1860.

IN consequence of the recent proceedings at the Waitara, I have the honour to request you will be pleased to forward, with as little delay as possible, as strong a reinforcement of troops as can possibly be spared; and I also beg to urge upon your Excellency that it is very desirable that the Governors of Australia and Van Diemen's Land should be urged to forward here, as soon as practicable, every available soldier they can by any means dispense with.

I trust that the heavy guns written for from H.M.S. "Iris" will not be delayed, as what artillery I have are quite inefficient against the native pahs.

I have, &c.

His Excellency
the Governor of New Zealand.

(Signed) C. E. GOLD,
Colonel commanding.

Enclosure 4 in No. 28.

DISTRIBUTION of Troops serving in New Zealand.

Taranaki, June 20, 1860.

Stations.	Officers Commanding.	Corps.	Colonels.	Lieut.-Colonels.	Majors.	Captains.	Subalterns.	Staff.	Serjeants.	Drummers.	Rank and File.
Taranaki	Col. Gold	General Staff	1	—	—	1	—	—	2	—	—
		Commissariat department	—	—	—	—	—	5	—	—	—
		Medical do.	—	—	—	—	—	1	—	—	—
		Purveyors do.	—	—	—	—	—	1	—	—	—
		Royal Artillery	—	—	—	1	1	—	2	—	66
		Royal Engineers	—	—	—	1	1	—	1	—	19
		12th Foot	—	—	—	1	3	1	7	2	126
		40th „	—	—	1	4	6	2	18	6	319
		65th „	—	—	—	5	10	4	33	13	516
		Corps of Armourers	—	—	—	—	—	—	1	—	—
		Naval Brigade	1	—	—	2	5	1	9	2	142
		Total Her Majesty's forces	2	—	1	15	26	15	73	23	1,188
		Militia and Volunteers	—	—	1	8	11	2	30	7	573
		Total	2	—	2	23	37	17	103	30	1,761
Auckland	Col. Mould	Commissariat Department	—	—	—	—	—	1	—	—	—
		General Staff	—	1	—	—	—	—	2	—	—
		Royal Artillery	—	—	—	—	—	—	2	—	4
		Royal Engineers	1	—	—	—	—	—	1	—	9
		58th Foot	—	—	—	—	—	—	—	1	6
		65th „	—	—	—	1	2	2	9	1	101
		Marines (Naval Brigade)	—	—	—	—	1	—	2	—	33
		Military Store Department	—	—	—	—	—	1	—	—	—
Napier	Maj. Young	Royal Artillery	—	—	—	—	—	—	—	—	3
		Royal Engineers	—	—	—	—	—	—	—	—	1
		65th Foot	—	—	—	2	4	—	5	2	112
		Corps of Musketry	—	—	—	—	—	—	1	—	—
		Commissariat Department	—	—	—	—	—	1	—	—	—
Wellington	Maj. Trafford	Royal Engineers	—	—	—	—	—	—	—	—	1
		65th Foot	—	—	—	—	1	—	1	—	21
		Militia	—	—	1	7	10	—	20	1	332
		Commissariat Department	—	—	—	—	—	1	—	—	—
Wanganui	Col. Wyatt	Royal Artillery	—	—	—	—	—	—	1	—	3
		Royal Engineers	—	—	—	—	—	—	—	—	1
		65th Foot	—	—	1	1	3	—	7	2	185
		Total	3	1	4	34	58	23	154	37	2,573
		Total Militia and Volunteers	—	—	2	15	21	2	50	8	905
		Total Her Majesty's Forces	3	1	2	19	37	21	104	29	1,668

(Signed) C. E. GOLD,
Col. Commanding Forces.

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No. 29.

No. 29.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 66.) Government House, Auckland, New Zealand, July 6, 1860.

(Received September 13, 1860.)

(Answered, No. 66, September 23, 1860, page 264.)

MY LORD DUKE,

I HAVE the honour to inform your Grace that since the departure of the regular mail I have received news of the death of Potatau, the so-called Maori King.

There can be no doubt that he always used his influence in favour of peace and friendly relations with the Europeans. Whether his death will be followed by dissension in the tribes, or whether his son, a young man of weak intellect, will be allowed to succeed him, is uncertain.

I am prepared to take advantage of any opportunity which may offer to meet the views and wishes of the Waikato tribes if they can be persuaded to give up this dangerous agitation, and have instructed my agents accordingly. It is also my intention to speak distinctly on the subject to the chiefs who have now assembled at my invitation from all parts of the island.

Influenza has unfortunately prevented many of the most friendly and influential chiefs from attending, but all the tribes will be represented, and none have been excluded on account of their opinions, except those in arms against Her Majesty, and a very few of the most violent agitators or supporters of the King movement.

I enclose an English version of the speech which will be made to them in Maori on Monday next. I intend to follow up this speech by messages advising them to adopt a system of arbitration in disputes about land, and in reference to some other matters, which shall be reported in due course.

The reverse which a part of our force has recently sustained at Taranaki will, doubtless, strengthen the hands of our opponents, and have a prejudicial effect on our interests generally.

I attribute the whole of the disaffection which now unfortunately prevails to fears awakened by the rapid increase of the white population; the imprudent speeches and conduct of some, and the traitorous advice given by other Europeans; it will therefore be my earnest endeavour to reassure the chiefs now assembled, and through them the Maori population generally, to disabuse their minds of these suspicions, and to convince them that I desire to encourage and persuade rather than coerce them to follow what is really their own interest; making them at the same time to understand that Her Majesty's forbearance proceeds from consideration for their well being, and not from inability to enforce obedience.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Encl. in No. 29.

Enclosure in No. 29.

ADDRESS of His Excellency the Governor to the Maori Chiefs assembled at Waitemata on the —— day of July 1860.

My Friends, Chiefs of New Zealand,

1. I have invited you to meet me on the present occasion that we may have an opportunity of discussing various matters connected with the welfare and advancement of the two races dwelling in New Zealand.

2. I take advantage of it also to repeat to you, and through you to the whole Maori people, the assurances of good will on the part of our gracious Sovereign which have been given by each succeeding Governor, from Governor Hobson to myself.

3. On assuming the sovereignty of New Zealand Her Majesty extended to her Maori subjects her royal protection, engaging to defend New Zealand and the Maori people from all aggressions by any foreign power, and imparting to them all the rights and privileges of British subjects, and she confirmed and guaranteed to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish to retain the same in their possession.

4. In return for these advantages, the chiefs who signed the treaty of Waitangi ceded for themselves and their people, to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of sovereignty which they collectively or individually possessed, or might be supposed to exercise or possess.

5. Her Majesty has instructed the Governors who preceded me, and she will instruct those who come after me, to maintain the stipulations of this treaty inviolate, and to watch over the interests and promote the advancement of Her subjects without distinction of race.

6. Having renewed these assurances in the name of our gracious Sovereign, I now ask you to confer with me frankly and without reserve. If you have grievances, make them known to me; and if they are real, I will try to redress them. Her Majesty's wish is, that all her subjects should be happy, prosperous, and contented; if, therefore, you can make any suggestions for the better protection of property, the punishment of offenders, the settlement of disputes, or the preservation of peace, I shall gladly hear them, and will give them the most favourable consideration.

7. The minds of both races have lately been agitated by false reports or exaggerated statements; and in order to restore confidence, it is necessary that each should know and thoroughly understand what the other wishes and intends.

8. There is also a subject to which I desire to invite your special attention, and in reference to which I wish to receive the expression of your views.

9. For some time past certain persons belonging to tribes dwelling to the south of Auckland have been endeavouring to mature a project which, if carried into effect, could only bring evil upon the heads of all concerned in it. The framers of it are said to desire that the Maori tribes in New Zealand should combine together, and throw off their allegiance to the Sovereign whose protection they have enjoyed for more than twenty years, and that they should now set up a Maori King, and declare themselves to be an independent nation. Such ideas could only be entertained by men completely ignorant of the evils they would bring upon the whole native race if carried into effect.

10. While the promoters of this scheme confined themselves to mere talking, I did not think it necessary to notice their proceedings, believing that, if allowed time to consider, they would abandon so futile and dangerous an undertaking. This expectation has not been fulfilled. At a recent meeting at Waikato some of the leading men proposed that "Wiremu Kingi," who is in arms against the Queen's authority, should be supported by reinforcements from the tribes who acknowledge the Maori King, and armed parties from Waikato and Kawhia actually went to Taranaki for this purpose. These men also desire to assume an authority over the other New Zealand tribes in their relations with the Government, and contemplate the forcible subjection of those tribes who refuse to recognize their authority.

11. Under these circumstances I wish to know your views and opinions distinctly, in order that I may give correct information to our Sovereign.

12. It is unnecessary for me to remind you that Her Majesty's engagements to her native subjects in New Zealand have been faithfully observed. No foreign enemy has visited your shores. Your lands have remained in your possession, or have been bought by the Government at your own desire. Your people have availed themselves of their privileges as British subjects, seeking and obtaining in the courts of law that protection and redress which they afford to all Her Majesty's subjects. But it is right you should know and understand that in return for these advantages you must prove yourselves to be loyal and faithful subjects, and that the establishment of a Maori King would be an act of disobedience and defiance to Her Majesty which cannot be tolerated. It is necessary for the preservation of peace in every country that the inhabitants should acknowledge one head.

13. I may frankly tell you that New Zealand is the only colony where the aborigines have been treated with unvarying kindness. It is the only colony where they have been invited to unite with the colonists, and to become one people under one law. In other colonies the people of the land have remained separate and distinct, from which many evil consequences have ensued; quarrels have arisen, blood has been shed, and finally the aboriginal people of the country have been driven away or destroyed.

Wise and good men in England considered that such treatment of aborigines was unjust, and contrary to the principles of Christianity. They brought the subject before the British Parliament, and the Queen's Ministers advised a change of policy towards the aborigines of all English colonies. New Zealand is the first country colonized on this new and humane system. It will be the wisdom of the Maori people to avail themselves of this generous policy, and thus save their race from evils which have befallen others less favoured.

NEW ZEALAND.

It is your adoption by Her Majesty, as her subjects, which makes it impossible that the Maori people should be unjustly dispossessed of their lands or property.

Every Maori is a member of the British nation; he is protected by the same law as his English fellow subject; and it is because you are regarded by the Queen as a part of her own especial people, that you have heard from the lips of each successive Governor the same words of peace and good will. It is, therefore, the height of folly for the New Zealand tribes to allow themselves to be seduced into the commission of any act which, by violating their allegiance to the Queen, would render them liable to forfeit the rights and privileges which their position as British subjects confers upon them, and which must necessarily entail upon them evils ending only in their ruin as a race.

14. It is a matter of solicitude to Her Majesty, as well as to many of your friends in England and in this country, that you should be preserved as a people. No unfriendly feeling should be allowed to grow up between the races. Your children will live in this country when you are gone, and when the Europeans are numerous. For their sakes, I call upon you as fathers and as chiefs of your tribes to take care that nothing be done which may engender animosities, the consequences of which may injure your posterity.

I feel that the difference of language forms a great barrier between the Europeans and the Maoris. Through not understanding each other there are frequent misapprehensions of what is said or intended; this is also one of the chief obstacles in the way of your participating in our English councils, and in the consideration of laws for your guidance. To remedy this the various missionary bodies, assisted by the Government, have used every exertion to teach your children English, in order that they may speak the same language as the European inhabitants of the colony.

15. I believe it is only needful that these matters should be well understood to ensure a continuance of peace and friendly feeling between the two races of Her Majesty's subjects, and it is for this reason, and in a firm hope that mutual explanations will remove all doubt and distrust on both sides, that I have invited you to meet me now.

16. I shall not seek to prove what you will all be ready to admit, that the treatment you have received from the Government since its establishment in these islands down to the present hour has been invariably marked by kindness. I will not count the hospitals founded for the benefit of your sick, the schools provided for the education of your children, the encouragement and assistance given to you to possess yourselves of vessels, to cultivate wheat, to build mills, and to adopt the civilized habits of your white brethern. I will not enumerate the proofs which have been given you that your interests and well-being have been cared for, lest you should think I am ungenerously recalling past favours.

All will admit that not only have your ears listened to the words of kindness, but that your eyes have seen and your hands have handled its substantial manifestations.

17. I will not now detain you by alluding to other matters of great importance, but will communicate with you from time to time, and call your attention to them before you separate.

Let me, however, remind you, that though the Queen is able, without any assistance from you, to protect the Maories from all foreign enemies, she cannot, without their help, protect the Maories from themselves. It is, therefore, the duty of all who would regret to see their race relapse into barbarism, and who desire to live in peace and prosperity, to take heed that the counsels of the foolish do not prevail, and that the whole country be not thrown into anarchy and confusion by the folly of a few misguided men. Finally, I must congratulate you on the vast progress in civilization which your people have made under the protection of the Queen. Cannibalism has been exchanged for Christianity; slavery has been abolished; war has become rare; prisoners taken in war are not slain; European habits are gradually replacing those of your ancestors, of which all Christians are necessarily ashamed. The old have reason to be thankful that their sunset is brighter than their dawn, and the young may be grateful that their life did not begin until the darkness of the heathen night had been dispelled by that light which is the glory of all civilized nations.

Earnestly praying that God may grant his blessing on your deliberations, and guide you in the right path, I leave you to the free discussion of the subjects I have indicated, and of any others you may think likely to promote the welfare of your race.

No. 30.

No. 30.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 69.)

Government House, Auckland, New Zealand, July 20, 1860.

MY LORD DUKE,

(Received, October 22, 1860.)

IN justice to Colonel Gold, the officer commanding the forces in New Zealand, I have the honour to forward a copy of his reply to my letter dated July 5, 1860, in which I stated as follows:—

"Looking at your own experience of the difficulty which attended the capture of a pah built in a very inferior manner in a single night, it does not appear clearly by your letter why Major Nelson was directed to attack a pah in so formidable a position, known to be strongly fortified, with so small a force, and without support or assistance from New Plymouth."

I have no desire to comment on the acts of an officer placed in so trying a position as that of Colonel Gold, but it is impossible not to lament a failure which (humanly speaking) might have been prevented by combined arrangements.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Enclosure in No. 30.

Colonel GOLD to the GOVERNOR.

SIR, New Plymouth, July 9, 1860.

WITH reference to your Excellency's letter of the 5th instant, I have the honour with regard to that part which remarks on my having directed Major Nelson "to attack a pah," &c., that the reinforcement I sent him was to enable him to punish the natives in such manner as he deemed most advisable, as they had been encroaching on our lands; and, that he should have the same information that I had received, I caused Captain Richards, 40th Regiment, to learn from the Rev. Mr. Whiteley's own mouth the state of affairs at the pah, &c., on the Sunday previous, that he might give a correct account to Major Nelson when he went down. No attack was ordered on the pah by me, but everything was left to the Major's own discretion from his personal observation, and he had also with him Lieutenant Mould, R.E., and Lieutenant McNaughten, R.A., both of whom had been on service against pahs at the Waitara on previous occasions.

I have, &c.

His Excellency the Governor, &c. &c. &c.

(Signed) C. E. GOLD, Colonel, Commanding the Forces in New Zealand.

No. 31.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 70.) Government House, Auckland, New Zealand, July 20, 1860.

(Received October 22, 1860.)

(Answered No. 82, November 8, 1860, page 267.)

MY LORD DUKE,

IN continuation of my Despatch, No. 65,* of the 6th instant, I have the honour to inform your Grace that Commodore Loring, C.B., arrived at New Plymouth on the 8th July, and, after conferring with Colonel Gold, visited the Waitara. Finding, however, that no operations were likely to be undertaken, and that H.M.S.S. "Cordelia" had an insufficient supply of coals, he returned to Auckland after landing 30 men of H.M.C.S. "Victoria."

* Page 79.

I enclose a statement from Colonel Gold on the subject, dated the 10th July, but which did not reach me until the 18th instant.

During the Commodore's absence I received such satisfactory assurances from the chiefs now assembled at Kohimarama, near Auckland, that I thought it safe to request him to return to New Plymouth, which he did, leaving the Manukau on the evening of the 14th, and arriving at New Plymouth on the morning of the 16th July.

By this opportunity I wrote to Colonel Gold as follows:—

"The assurances of friendship given by influential chiefs assembled at the conference in Auckland have enabled me to request Commodore Loring, C.B., to return again to New Plymouth.

"How long it may be safe to leave Auckland thus insufficiently protected, I cannot say; but, believing that some decided and indisputable success at Taranaki is absolutely necessary to prevent other tribes from joining those now in arms against us, I have been most anxious to place every available man at your disposal, and have incurred some risk in so doing. You will now have upwards of 2,000 men of all ranks and a large force of artillery under your command, and you will, I trust, be able to strike a vigorous and effective blow on the rebel forces, either on the north or south of New Plymouth.

NEW ZEALAND.

"In urging this upon you, I beg you not to suppose that I desire you to exceed the bounds of prudence, or to forget that another reverse would be attended with disastrous consequences to the whole of the settlements in this island."

H.M.S.S. "Cordelia" returned to the Manukau on the 18th instant, bringing me no additional information.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Encl. in No. 31.

Enclosure in No. 31.

Colonel GOLD to the GOVERNOR.

SIR, New Plymouth, July 10, 1860.

I HAVE the honour to report that on the 8th instant Commodore Loring, C.B., arrived in H.M.S.S. "Cordelia" with a detachment of sailors and marines from H.M.S. "Iris" and H.M.C.S. "Victoria," and he reported to me that he would not land the men (except the latter detachment of volunteers, which was done) unless some active measure was immediately to take place, and that he could not stay longer than one day, as the "Cordelia" was short of coals. I wrote to him, stating that as the natives had congregated about 12 miles to the southward, with the avowed intention of attacking the town, and I had heard from an officer just arrived from the Waitara that the rebels mustered in considerable force there, I should wish him to land the seamen and marines he had brought down. This he declined to do. Yesterday he proceeded to the Waitara, and returning about 5 p.m. said that Major Nelson would move out the next morning, and a combined movement might be made towards the Waitara, but that I must let him know by the steamer which had to sail at 7 p.m. I consulted with Lieut.-Colonel Murray, and came to the conclusion that so hurried a movement, considering the roads and other things connected with the men's provisioning, &c., could not be satisfactorily arranged for a beneficial result; and as the Commodore refused to remain more than one day, I wrote to Major Nelson, saying I thought it more advisable not to quit the town in force, but to be prepared to meet the southern natives on their advancing this way. The Commodore sailed from this almost immediately afterwards. I ought to add, that the guns (8 inch) had not been moved from the boats in the Waitara river, nor had platforms (though in progress) been made for them; I therefore considered any move would be premature, and contrary to my resolve, not on any consideration to endanger the population of this town, which requires a considerable force of regulars, in consequence of the irregularity of the ground and the numerous gulleys by which it is intersected, and the very near proximity of the bush, where natives in any numbers might congregate, ready for a sudden onslaught.

I have, &c.

His Excellency the Governor, &c. &c. &c.

(Signed) C. E. GOLD, Colonel, Commanding the Forces in New Zealand.

No. 32.

No. 32.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 75.) Government House, Auckland, New Zealand, July 30, 1860.

MY LORD DUKE, (Received October 16, 1860.)

I HAVE the honour to forward a copy of the latest report I have received from Colonel Gold, the officer commanding the forces at Taranaki.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Encl. in No. 32.

Enclosure in No. 32.

Colonel GOLD to the GOVERNOR.

SIR, New Plymouth, July 24, 1860.

I HAVE the honour to forward, for your Excellency's information, the enclosed letters; and I have further to report that the extremely bad state of the weather, the state of the roads, my own health, and the absolute necessity of carefully protecting this town from a combined attack, with

a strong garrison, (where there are nearly 1,700 women and children,) have caused me to make no movements to the northward, which would have been of no avail except in considerable force.

I have, &c.

(Signed) C. E. GOLD, Colonel,
Commanding the Forces in New Zealand.

His Excellency
the Governor of New Zealand.

No. 33.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 76.)

Government House, Auckland, New Zealand,
July 31, 1860.

(Received October 22, 1860.)

(Answered No. 78, October 27, 1860, page 267.)

MY LORD DUKE,

I HAVE the honour to forward a copy of the speech which I delivered at the opening, on the 30th instant, of the sixth Session of the General Assembly of New Zealand.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

The third Session of the Second Parliament of the General Assembly of New Zealand was this day opened by the Governor, when his Excellency was pleased to make the following speech:

Gentlemen of the Legislative Council, Gentlemen of the House of Representatives,—

In the present circumstances of the colony I have recourse, with great satisfaction, to your advice and assistance.

The province of Taranaki, the state of which has long been a source of anxiety, has recently become the scene of an insurrection, involving portions of several tribes of aboriginal natives.

The immediate occasion of this disturbance of the public peace has been an attempt, on the part of a native chief of the Ngatiawa tribe, to forbid the sale to the Crown, and forcibly to prevent the survey, of a piece of land to which he neither asserted nor possessed any title.

I felt it to be my duty to repel this assumption of an authority, inconsistent alike with the maintenance of the Queen's sovereignty and the rights of the proprietors of the land in question. In this course I have received from all parts of the colony assurances of sympathy and support, affording gratifying evidence of the loyalty of all classes of Her Majesty's subjects.

I am deeply sensible of the sacrifices made by those who have been called upon to aid in the assertion of Her Majesty's authority, and in providing for the safety of the colony. Her Majesty's land and sea forces have displayed their accustomed gallantry; and I desire especially to express my admiration of the courage which the settlers of Taranaki have shown in the field, and in the endurance of the privations and losses to which they have been subjected.

My thanks are due to the Governments of the neighbouring colonies for the efficient aid which they have rendered on this occasion, and particularly to the Government of Victoria, which promptly despatched to my assistance its fine armed steamer.

Having been compelled reluctantly, and with much regret, to uphold Her Majesty's supremacy by force of arms, and believing that the future welfare of the native race, not less than that of Her Majesty's other subjects in New Zealand, depends on the resolute maintenance of her authority, I confidently rely on your loyal and cordial support to aid me in carrying into effect such measures as circumstances may require.

It is satisfactory to know that only a small portion of the native population has taken any part in the insurrection. A dangerous sympathy with the insurgents has, however, been displayed by the Waikato tribes. These tribes have been for some years past the centre of the agitation for the establishment of an independent Maori state, under a native sovereign, and it is in furtherance of this project that aid from Waikato has been afforded to the insurgents.

To check the growth of plans fraught with so much peril to both races, and to remove doubts which extensively prevail amongst the natives as to the ultimate objects of the British Government, I have invited a considerable number of the influential chiefs from all parts of the colony to meet and confer with me in Auckland. My invitation has been responded to by a large number of leading chiefs, comprising members of almost every tribe of New Zealand. They are now assembled in the neighbourhood of Auckland, and from the results which have already attended the meeting, I feel justified in expecting that it will remove much misconception,—will confirm the loyal and reassure the doubting,—and will prepare the way for measures to establish the relations of the Government with the aborigines on a solid and satisfactory basis.

I have directed that papers belonging to all the matters to which I have alluded shall be laid before you.

NEW ZEALAND.

Encl. in No. 34.

Gentlemen of the House of Representatives,

The estimates for the ensuing year will be submitted to you on an early day. They will be framed with a due attention to economy, and a careful regard to the exigencies of the public service.

Gentlemen of the Legislative Council, and Gentlemen of the House of Representatives,

I have to congratulate you on the continued increase of the population, exports, and revenue of the colony—an increase which during the past year has been unusually rapid. In anticipation of the approaching expiry of the term of duration of the present House of Representatives, you will be invited to consider a measure for increasing the number of the members of the House, and for re-distributing the representation so as fairly to adjust it to the altered state of the colony.

Under existing circumstances your attention will doubtless be principally directed to subjects connected with the native insurrection. Measures on various matters of importance have, however, been prepared, and will be submitted for your consideration, comprising a bill to facilitate the transfer of real property, by the establishment of a land registry, a bill to regulate joint stock companies, with other measures for the amendment of various branches of the law.

It only remains that I should express my earnest hope that, in the circumstances under which you are assembled, your deliberations may be guided by the spirit of wisdom, and may contribute to the enduring welfare of the people of this colony.

No. 34.

No. 34.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 79.) Government House, Auckland, New Zealand, July 31, 1860.

(Received October 22, 1860.)

(Answered, No. 77, October 27, 1860, p. 266.)

MY LORD DUKE,

I HAVE the honour to inform your Grace that the chiefs whom I invited to meet and confer with me have assembled in this neighbourhood, and are still considering various subjects which have been submitted to them.

I will not trouble your Grace with any report on the subject until the meeting is closed, but I may say that hitherto the success attending the experiment has exceeded my expectations. Many of the chiefs, and particularly Her Majesty's most dutiful subject Tamati Waka, have declared unequivocally against the King movement, and have expressed the most loyal attachment to the Queen.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c. (Signed) T. GORE BROWNE.

No. 35.

No. 35.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 80.) Government House, Auckland, New Zealand, July 31, 1860.

(Received October 22, 1860.)

(Answered, No. 80, November 5, 1860, p. 267.)

MY LORD DUKE,

I HAVE the honour to inform you that Major General Pratt, C.B., commanding the forces in the Australian colonies, has signified his intention of proceeding from Melbourne with reinforcements direct to Taranaki, and I beg to enclose a copy of the letter I have thought it my duty to address to him at Taranaki.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c. (Signed) T. GORE BROWNE.

Enclosure in No. 35.

Encl. in No. 35.

The GOVERNOR to GENERAL PRATT, C.B.

SIR, Government House, Auckland, July 27, 1860.

I HAVE the honour to acknowledge the receipt of your despatch dated Melbourne, July 1860, and thank you very much for your immediate attention to my request.

It may be important to you to know that the main strength of the natives supposed to be disaffected to Her Majesty's Government is in the tribes dwelling near the Waikato, and in the centre of the island. It is from thence that the chief William King has received support and expects more, and that a descent upon Auckland has been contemplated. The chiefs of the Waikato know well that such an operation could far more easily be carried into effect, and is more likely to be successful, than any attack on New Plymouth, which offers but small promise of plunder, and has been strongly garrisoned since the end of March.

The Maoris are indeed fully aware that the destruction of the settlers, and the plunder of the property in the neighbourhood of Auckland, with a good prospect of being able to burn the town itself, would far outweigh the utmost success which our arms could achieve at Taranaki. I have therefore watched the proceedings of the Waikato tribes with some anxiety, and for this reason I requested that your reinforcements might be sent to the Manukau, whence their movement either to Taranaki or Auckland would have depended on the course of events.

After I had despatched my letter, however, I received information and assurances from some chiefs assembled at the conference, which relieved me from apprehension for the present time, though I learn from the same source that the intentions of the Waikatos are very undecided, and that they may at any time determine on making a sudden and unexpected attack upon Auckland.

I took advantage of the temporary security to request Commodore Loring, C.B., to go to Taranaki with all the men he could collect, leaving Auckland protected only by 120 men available for duty (who are mostly boys), and by an untrained militia.

By that opportunity, I wrote also to Colonel Gold as follows:—

"How long it may be safe to leave Auckland thus insufficiently protected I cannot say, but, believing that some decided and indisputable success at Taranaki is absolutely necessary to prevent other tribes from joining those now in arms against us, I have been most anxious to place every available man at your disposal, and have incurred some risk in so doing. You will now have upwards of 2,000 men of all ranks, and a large force of artillery, under your command; and you will, I trust, be able to strike a vigorous and effective blow on the rebel forces, either on the north or the south of New Plymouth.

"In urging this upon you, I beg you not to suppose that I desire you to exceed the bounds of prudence, or to forget that another reverse would be attended with disastrous consequences to the whole of the settlements in this island."

I do not of course presume to offer any advice on military operations, but I trust you will permit me to say that, though some unequivocal success is absolutely required for the safety of the whole settlements in the Northern Island, and that delay will add to the strength and confidence of our opponents, no precaution which can be adopted to ensure victory and avoid surprise ought to be neglected.

Aided by the strength of their country, and fighting in their own fashion, the Maoris are brave and formidable enemies; and they boast, with some truth, that since our first arrival in the colony the British troops have gained no decided advantage over them, though our arms have always been immeasurably superior, and our numbers often in excess of theirs.

Finally, I would beg the favour of your protection and kindness for the friendly natives, more particularly for the chiefs Mahau, Aperhama, Ihaia, and Teira, and their men; they have proved themselves faithful allies, and their lives would be instantly sacrificed if they were deprived of our protection. It is, however, quite true that all Maoris will communicate intelligence to the enemy; so far from considering such conduct shameful, they look upon it as right and chivalrous. It is possible that Thaia and a few others might not communicate with the enemy under any circumstances; but their women and followers would do so. This inconvenience, however, being known, may easily be guarded against, and should not induce us to look with suspicion on men so thoroughly attached to us as these chiefs have proved themselves to be.

I would beg the favour of your communicating freely with Mr. Parris, who is placed at your disposal, and will give you the best information on native affairs. I do not desire that you should be influenced by him in opposition to your own more experienced judgment; but as he possesses my confidence, and that of the Government, I am anxious you should hear his opinion on native matters.

I beg to assure you of my most earnest and entire support in anything which you may consider needful to bring this unhappy disturbance to an early conclusion.

I send you some papers printed for the Assembly, which may be useful to you.

I have, &c.

Major General Pratt, C.B., (Signed) T. GORE BROWNE.
Commanding Her Majesty's Forces, Taranaki.

No. 36.

No. 36.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 81.) Government House, Auckland, New Zealand, July 31, 1860.

MY LORD DUKE, (Received October 22, 1860.)

I HAVE the honour to forward printed copies of certain papers having reference to Native Affairs and the Military Defence of the Colony, which I have directed to be laid before both Houses of the Assembly.

Vide Appendix, No. 1, page 289. Papers on the Taranaki Land Question.
Vide Appendix, No. 2, page 317. Papers on the Native Insurrection.

I have, &c.

His Grace the Duke of Newcastle, (Signed) T. GORE BROWNE,
&c. &c. &c. Governor.

NEW ZEALAND.

No. 37.

No. 37.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 82.)

Government House, Auckland, New Zealand,
August 13, 1860.

(Received November 19, 1860.)
(Answered No. 92, December 14, 1860, page 269.)

MY LORD DUKE,

I HAVE the honour to forward a copy of the Address I have received from the Legislative Council and House of Representatives respectively, in reply to the Speech I delivered on opening the sixth Session of the General Assembly on the 30th July.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Encl. 1 in No. 37.

Enclosure 1 in No. 37.

ADDRESS in reply to his Excellency's Speech.

WE, Her Majesty's dutiful and loyal subjects, the Legislative Council of New Zealand, in Parliament assembled, humbly desire to thank your Excellency for your Excellency's speech in opening this Session.

We receive, with a cordial desire to afford to your Excellency our hearty co-operation, your Excellency's assurance that, in the present circumstances of the colony, your Excellency has recourse, with great satisfaction, to our advice and assistance.

We have learnt with concern that the province of Taranaki, the state of which has long been a source of anxiety, has recently become the scene of an insurrection, involving portions of several tribes of aboriginal natives.

Your Excellency has informed us that the immediate occasion of this disturbance of the public peace has been an attempt, on the part of a native chief of the Ngatiawa tribe to forbid the sale to the Crown, and forcibly to prevent the survey, of a piece of land, to which he neither asserted nor possessed any title.

We concur in the opinion that it was your Excellency's duty to repel such an assumption of authority, as being inconsistent alike with the maintenance of the Queen's Sovereignty, and the rights of the proprietors of the land in question, and express our satisfaction that in this course your Excellency has received from all parts of the colony assurances of sympathy and support, affording gratifying evidence of the loyalty of all classes of Her Majesty's subjects; assurances which we desire emphatically to affirm.

We recognise with your Excellency the sacrifices made by those who have been called upon to aid in the assertion of Her Majesty's authority, and in providing for the safety of the colony, and that Her Majesty's land and sea forces have displayed their accustomed gallantry; and cordially unite with your Excellency in a warm expression of admiration of the courage which the settlers of Taranaki have shown in the field, and in the endurance of the privations and losses to which they have been subjected, and which we trust may not pass unrecognised.

We desire to add to those of your Excellency, our sincere thanks to the Governments of the neighbouring colonies, for the efficient aid which they have rendered on this occasion, and particularly to the Government of Victoria, which promptly despatched to your assistance its fine armed steamer.

Believing that your Excellency has been compelled reluctantly, and with much regret, to uphold Her Majesty's Supremacy by force of arms, and aggreeing with your Excellency that the future welfare of the native race, not less than that of Her Majesty's other subjects in New Zealand, depends on the resolute maintenance of her authority, your Excellency may confidently rely on our loyal and cordial support to aid your Excellency in carrying into effect such measures as circumstances may require.

We thank your Excellency for acquainting us that only a small portion of the native population has taken any part in the insurrection, and that a dangerous sympathy with the insurgents has, however, been displayed by the Waikato tribes. We believe that these tribes have been for some years past the centre of the agitation for the establishment of an independent Maori state, under a native sovereign, and that it is in furtherance of this project that aid from Waikato has been afforded to the insurgents.

We thank your Excellency for the information, that, to check the growth of plans fraught with so much peril to both races, and to remove doubts which extensively prevail amongst the natives as to the ultimate objects of the British Government, Your Excellency has invited a considerable number of the influential chiefs from all parts of the colony to meet and confer with you in Auckland, that your invitation has been responded to by a large number of leading chiefs, comprising members of almost every tribe in New Zealand, and that they are now assembled in the neighbourhood of Auckland. We sincerely trust that, from the results which have already attended the meeting, your Excellency is justified in expecting that it will remove much misconception, will confirm the loyal and reassure the doubting, and will prepare the way for measures to establish the relations of the Government with the aborigines on a solid and satisfactory basis.

We thank your Excellency for having directed that papers relating to all matters to which your Excellency has alluded shall be laid before us.

We cordially reciprocate your Excellency's congratulations on the continued increase in the population, exports, and revenue of the colony; an increase which during the past year has been unusually rapid. We will give our best attention to the measure which, in anticipation of the approaching expiry of the term of duration of the present House of Representatives, we shall be invited to consider for increasing the number of the members of the House, and for re-distributing the representation so as fairly to adjust it to the altered state of the colony.

We desire to assure your Excellency that although under existing circumstances our attention will doubtless be principally directed to subjects connected with the native insurrection, the measures on various matters of importance which have been prepared, comprising a bill to facilitate the transfer of real property, by the establishment of a land registry, a bill to regulate joint stock companies, with other measures for the amendment of various branches of the law, will receive our careful consideration.

We gratefully acknowledge the expression of your Excellency's earnest hope, that, in the circumstances under which we are assembled our deliberations may be guarded by the spirit of wisdom, and may contribute to the enduring welfare of the people of this colony.

Enclosure 2 in No. 37.

Address in reply to his Excellency's Speech.

We, Her Majesty's dutiful and loyal subjects, the Commons of New Zealand, in Parliament assembled, humbly desire to thank your Excellency for your Excellency's Speech in opening this Session.

We receive, with a cordial desire to afford to your Excellency our hearty co-operation, your Excellency's assurance that, in the present circumstances of the colony, your Excellency has recourse, with great satisfaction, to our advice and assistance.

We have learnt with concern that the province of Taranaki, the state of which has long been a source of anxiety, has recently become the scene of an insurrection, involving portions of several tribes of aboriginal natives.

Your Excellency has informed us that the immediate occasion of this disturbance of the public peace has been an attempt, on the part of a native chief of the Ngatiawa tribe, to forbid the sale to the Crown, and forcibly to prevent the survey, of a piece of land, to which he neither asserted nor possessed any title.

We concur in the opinion that it was your Excellency's duty to repel such an assumption of authority, as being inconsistent alike with the maintenance of the Queen's sovereignty, and the rights of the proprietors of the land in question, and express our satisfaction that in this course your Excellency has received from all parts of the colony assurances of sympathy and support, affording gratifying evidence of the loyalty of all classes of Her Majesty's subjects; assurances which we desire emphatically to affirm.

We recognise with your Excellency the sacrifices made by those who have been called upon to aid in the assertion of Her Majesty's authority, and in providing for the safety of the colony, and that Her Majesty's land and sea forces have displayed their accustomed gallantry; and cordially unite with your Excellency in a warm expression of admiration of the courage which the settlers of Taranaki have shown in the field, and in the endurance of the privations and losses to which they have been subjected, and which we trust may not pass unrecognised.

We desire to add to those of your Excellency, our sincere thanks to the Governments of the neighbouring colonies, for the efficient aid which they have rendered on this occasion, and particularly to the Government of Victoria, which promptly despatched to your assistance its fine armed steamer.

Believing that your Excellency has been compelled reluctantly, and with much regret, to uphold Her Majesty's supremacy by force of arms, and agreeing with your Excellency that the future welfare of the native race, not less than that of Her Majesty's other subjects in New Zealand, depends on the resolute maintenance of her authority, your Excellency may confidently rely on our loyal and cordial support to aid your Excellency in carrying into effect such measures as circumstances may require.

We thank your Excellency for acquainting us that only a small portion of the native population has taken any part in the insurrection, and that a dangerous sympathy with the insurgents has, however, been displayed by the Waikato tribes. We believe that these tribes have been for some years past the centre of the agitation for the establishment of an independent Maori state, under a native sovereign, and that it is in furtherance of this project that aid from Waikato has been afforded to the insurgents.

We thank your Excellency for the information, that, to check the growth of plans fraught with so much peril to both races, and to remove doubts which extensively prevail amongst the natives as to the ultimate objects of the British Government, your Excellency has invited a considerable number of the influential chiefs from all parts of the colony to meet and confer with you in Auckland, that your invitation has been responded to by a large number of leading chiefs, comprising members of almost every tribe in New Zealand, and that they are now assembled in the neighbourhood of Auckland. We sincerely trust that, from the results which have already attended the meeting, your Excellency is justified in expecting that it will remove much misconception, will confirm the loyal and re-assure the doubting, and will prepare the way for measures to establish the relations of the Governmen with the aborigines on a solid and satisfactory basis.

We thank your Excellency for having directed that papers relating to all the matters to which your Excellency has alluded shall be laid before us.

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We thank your Excellency for informing us that the estimates for the ensuing year will be submitted to us on an early day, and that they will be framed with a due attention to economy, and a careful regard to the exigencies of the public service.

We cordially reciprocate your Excellency's congratulations on the continued increase in the population, exports, and revenue of the colony; an increase which during the past year has been unusually rapid. We will give our best attention to the measure which, in anticipation of the approaching expiry of the term of duration of the present House of Representatives, we shall be invited to consider for increasing the number of the members of the House, and for re-distributing the representation so as fairly to adjust it to the altered state of the colony.

We desire to assure your Excellency that although under existing circumstances our attention will doubtless be principally directed to subjects connected with the native insurrection, the measures on various matters of importance which have been prepared, comprising a bill to facilitate the transfer of real property, by the establishment of a land registry, a bill to regulate joint stock companies, with other measures for the amendment of various branches of the law, will receive our careful consideration.

We gratefully acknowledge the expression of your Excellency's earnest hope, that, in the circumstances under which we are assembled, our deliberations may be guarded by the spirit of wisdom, and may contribute to the enduring welfare of the people of this colony.

No. 38.

No. 38.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 87.)

Government House, Auckland, New Zealand,
August 27, 1860.

MY LORD DUKE, (Received November 13, 1860.)

SINCE the last mail I have had the advantage of personal communication with Major-General Pratt, who arrived here from Taranaki on the 23d instant, and returned to that place on the 26th.

In the course of conversation with the General I learned that he considers his position one of great difficulty. The nature of the country enables the natives to creep up in small parties, and, after inflicting their sting, to escape unpunished. He complained that (after deducting boatmen, bullock drivers, and other indispensable casualties) one half of the Militia only is available for service in the field; that his whole available force (including Militia and the Naval Brigade) is under 2,000 rank and file, part of which had been unwisely detached to the south of New Plymouth, from whence he would have difficulty in removing it.

I urged him to insist gently but firmly on the removal of the women and children, and placed two steamboats at his disposal for that purpose. I may add that I have not ceased to urge the necessity of this measure since the 28th March, when I placed the steamer "Airdale" at the disposal of the Superintendent of the Province for the conveyance of women and children to Nelson.

I also urged the General to strengthen the town of New Plymouth as much as possible, and, when satisfied that it will be safe in the keeping of a small garrison, to march out and commence active operations against the pahs near the Waitara. I stated freely my own opinion that every day's delay will give increased confidence and add to the strength of the enemy, who are constantly receiving reinforcements.

I sent Mr. McLean, my native secretary, to aid in re-assuring the friendly natives, who appear to have lost confidence in us; and Commodore Loring (in whose opinions I entirely coincide) took with him a few more sailors, whom he has withdrawn from the ships of war in this harbour.

With the assistance of my advisers I have been able to comply with all General Pratt's demands, and to assure him that this Government will spare nothing to enable him to carry on the war vigorously, and bring it to a successful conclusion.

I enclose copy of the letter I wrote to him on his departure for Taranaki.

I have, &c.

His Grace the Duke of Newcastle, (Signed) T. GORE BROWNE.
&c. &c. &c.

Enclosure 1 in No. 38.

Government House, Auckland, August 25, 1860.

Encl. 1 in No. 38.

SIR,

I HAVE the honour to enclose a Memorandum of the various matters agreed on by the local Government in consequence of the personal communications I had the pleasure to hold with you on the 24th August.

I venture to suggest that the removal of the women and children from Taranaki should be insisted on gently, but with the utmost firmness. For their own sakes it is imperatively necessary, and no reasonable objection can be urged against the measure, as the local Government have agreed to maintain them at Nelson.

When you are relieved from care on account of the women, and are satisfied that the forts of New Plymouth are tenable with a moderate force, it will be advisable to lose no time in commencing your intended operations, for every day will add to the strength of the enemy, give him additional confidence, and weaken the attachment of the many, who always take part with those they think likely to win.

I trust that any operation you may undertake will be carried into such complete effect that even the Maoris will be constrained to admit that it has been successful; and I must add, that they invariably construe escape into victory.

The capture or destruction of a pah would be considered no victory if the inmates were allowed to escape, but the surrender of the defenders could not possibly be misconstrued.

I have, &c.

The Hon. Major-General Pratt, C.B.,
Commanding Her Majesty's Forces, Taranaki.

(Signed) T. GORE BROWNE.

Government House, August 25, 1860.

MEMORANDUM of matters agreed to by the Governor, for the use of General Pratt, and for record.

1. The Wonga Wonga will be hired and placed at the General's disposal with the least possible delay.

2. Steamers will be placed at the disposal of the General for the removal of the women to Nelson.

3. The Attorney General will prepare a document to aid the General in removing those women who decline to leave New Plymouth.

4. The steamer which usually takes her last departure from Nelson, en route to Sydney, will call for English mails at Taranaki, on 13th September, after leaving Nelson.

5. The "Victoria" to take an English mail from Auckland on the 9th to meet the steamer at Taranaki.

6. Four additional surf boats to be provided, two to be commenced immediately, and two on the receipt of further notice.

7. Mr. McLean, Mr. White, and Mr. Drummond Hay, togo to Taranaki, the former to return as soon as he can be spared.

8. Friendly natives to be placed on pay as previously agreed on.

9. Double-barrel guns for 30 mounted men, with ammunition, will be placed on board the "Victoria" to-morrow.

10. Twenty additional boatmen have been sanctioned.

No. 39.

No. 39.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 88.)

Government House, Auckland, New Zealand,
August 28, 1860.

(Received November 19, 1860.)

(Answered, No. 89, November 27, 1860, page 268.)

MY LORD DUKE,

I HAVE the honour to forward a report of the native conference held recently in the neighbourhood of Auckland.

The chiefs assembled came from all parts of New Zealand, even the tribe to which W. King belongs being well represented. Many had never met before, and knew each other only by name and report. The experiment was not without hazard; and it was

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confidently predicted that men, who in times past had eaten each other's relatives would only meet to fight, or to combine temporarily for the destruction of the Europeans as a common enemy.

The result has not verified the prediction, but has far surpassed my expectations. Kohimarama, a property belonging to the Church of England Mission, was chosen as the place of meeting, because the land does not belong either to the Government or the settlers. This had the advantage of relieving the speakers from a restraint upon the freedom of discussion which, according to Maori custom, they might have felt if they had been entertained as guests in houses belonging to the Government.

The language, conduct, and general courtesy of the chiefs towards each other might be imitated with advantage at many European meetings, and in no assembly could greater decorum be maintained. Dinner (which took place in the middle of the day) was conducted much in the same manner as at an English ordinary, the chiefs being (with one exception) dressed in the English fashion, and behaving much as Englishmen would do on a similar occasion.

I trouble your Grace with these apparently trifling remarks, because the contrast afforded by the orderly meeting I now describe, with the horrors which surrounded native feasts not very many years ago, is the clearest proof of that advance in civilization which is so often questioned or denied.

The meeting lasted for more than a month, during which some went away, and others came. The invitations were very general, but a few of those who belong to the Waikato King party did not accept them. The result may be summed up in few words. The great chiefs Tamati Waka Nene, Wiremu Nera, Teiroa, and others, declared their attachment to the Queen, and their disapproval of the King party, in the most unequivocal terms. This, and my own declarations, reassured many who had been led by disaffected Europeans to believe that the Government and the settlers were preparing to seize their lands and enslave themselves, and that all the tribes in New Zealand were ready to unite and join the King party.

Confidence having been secured, various subjects were submitted for their consideration. The Native Secretary gave a detailed account of the events at Taranaki, and explained the conduct of the Government in reference to the purchase of the land at the Waitara, which was accepted as entirely satisfactory by all except a few who were connected in some way with William King and his people.

The chiefs declared unanimously in favour of a repetition of the conference, and they recognized it as the first real step towards governing them in the manner they desire to be governed, and earnestly requested that I would give them a promise, before they separated, that they should meet again in 1861.

On receiving this request I sent a message to the House of Representatives, who suspended their standing orders, and passed a resolution (without a division) granting two thousand five hundred pounds to enable me to comply with the wishes of the chiefs. This resolution was passed in a manner which deserves my warmest thanks.

The subjects submitted to the consideration of the chiefs having been freely debated, they determined that they would consult their people, and give distinct answers at the next conference; and shortly before the conclusion of the meeting they signed the resolutions attached to the report.

A careful record of the speeches (which after the first two days were corrected by the chiefs themselves), and a list of the names attached to the resolutions, have been preserved, and will be circulated through the country by means of the "Maori Messenger," and (though some English gentlemen have, I regret to say, endeavoured to throw discredit on the proceedings) they will have a great and I trust beneficial effect upon the Maori people throughout New Zealand.

In conclusion, I beg to say that I indicated my wish for such a conference as that which has just taken place in a memorandum forwarded to my advisers, and enclosed in my despatch, No. 50, of June 12, 1857; but I am satisfied that public opinion among the Europeans was not at that time ripe for such an experiment, and that it consequently would not have been so successful as it has been now, or might even have failed altogether. The difficulties at Taranaki have brought about a very different state of feeling and opinion among the Europeans; and if the war can be brought to an early and favourable conclusion I shall be inclined to think that it will have been the means for obtaining for the Maori race consideration and attention they would not otherwise have received, and the absence of

which would have led to much more serious combinations, ending in greater disasters to the Europeans, and in the ultimate destruction of the natives.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Enclosure 1 in No. 39.

Encl. 1 in No. 39.

REPORT on the Native Conference at Kohimarama.

THE first conference of native chiefs assembled from all parts of New Zealand was held at Kohimarama, on the Waitemata, and was opened by his Excellency the Governor, on the 10th of July 1860.

The buildings belonging to the Melanesian Institution had been placed at the disposal of the Government for the accommodation of the chiefs. A large school room, capable of holding about 200 persons, was used as a conference hall; and in a spacious stone building, in which about 90 could conveniently sit down at one time, tables were spread in English fashion three times a day, and covered with abundance of substantial fare. Two temporary weather-board buildings, each 90 feet long by 16 feet wide, divided into three compartments, with a fire-place in each, were put up for the occasion, and served as dormitories.

Invitations had been sent to about 250 chiefs. Those, however, who were present at the opening of the conference did not exceed half that number, owing partly to the prevalence of a severe epidemic, from which the majority, even of those who came, suffered during their stay.

The conference lasted more than a month, during which time the chiefs met five days in each week, excepting only a short adjournment at the opening of the General Assembly, which some of the chiefs were anxious to witness. The sittings averaged about four hours each day.

The conference was opened by the Governor, who was attended on the occasion by the members of his Executive Council, and a suite of officers and gentlemen. A large number of English visitors were also on the ground as spectators, but the size of the conference hall was not sufficient to admit more than a small proportion of them.

The chiefs, about 120 in number, assembled in the hall a short time previous to his Excellency's arrival. On his entrance all rose, and remained standing during the reading of the opening address. This was first read by the Governor in English, and then by the native Secretary, Mr. McLean, in Maori, and was listened to with deep attention.

After the reading of the address, his Excellency retired to the stone hall, where the chiefs of the conference were individually presented to him by the native Secretary.

At the conclusion of this ceremony, the Governor, with his suite, returned to Auckland. The chiefs then re-assembled in the conference hall, when printed copies of his Excellency's address were distributed among them. The chair was taken by the native Secretary, who acted as president during the whole sitting of the conference. The attention of the chiefs was directed to the Governor's address, and they were invited to express their opinions freely and without reserve.

Most of the tribes in New Zealand were represented by the chiefs present at the opening of the conference, though many men of influence, who had been invited, were absent from various causes. The invitations to the Hokianga and Rarawa chiefs in the north did not reach them in time to allow of their being present at the opening of the conference, and many of the most loyal northern chiefs were thus prevented from taking part in the proceedings. The chief Tamati Waka Nene, our faithful friend and ally, had, however, conferred with the Hokianga chiefs a short time previously, and was in a position to speak for them in declaring unshaken allegiance to the British Government, and to state their views on two important subjects, the war at Taranaki, and the Maori King movement. The Ngatiwhatwa chiefs, from Kaipara, were also delayed by the weather, but arrived in time to take their seats in the conference before its close. Several chiefs from different parts of the country came in from time to time, and filled the places of others who were prevented from remaining during the whole time of session. In this way a change of members was constantly going on. The average number who assembled daily was probably under 100, but the total number of chiefs present between the opening and the close of the conference must have been upwards of 200.

The districts most fully represented were the Bay of Islands, Kaipara, the neighbourhood of Auckland, the Bay of Plenty, Wairarapa, and the west coast from Wellington to Whanganui. Those least represented were Mangonui in the north, the Thames Waikato, Taupo, Upper Whanganui, and Taranaki. The chiefs of the last named place gave as their reason for not accepting the invitation that they were unwilling to leave their district in its present disturbed state. The sudden death of the chief Potatau, the so-called Maori King, with the prevalent sickness, may be regarded as among the causes preventing many of the Waikato chiefs from attending the conference, but there can be little doubt that there were others to which the absence of some of them may be attributed.

The first few days of the conference were occupied with speeches of a general character, the speakers for the most part professing loyalty to the Queen, a desire to live in peace with the Europeans and among themselves, and their appreciation of the advantages enjoyed by the Maori

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race through the presence of the Government and the Europeans generally. Reference was made to the war at Taranaki, and the prevailing sentiment seemed to be that peace ought to be made with William King. Without venturing an opinion upon the merits of the question at issue between the Government and that chief, many of the speakers did not hesitate to animadvert on what they called the haste of the Governor to engage in war, and, excepting the Ngapuhi, scarcely one among them expressed any decided condemnation of William King.

The Maori King movement was also referred to, but few went beyond disclaiming for themselves any connection with it.

After a good deal of desultory speaking it was resolved that written replies to the Governor's opening address should be prepared by each tribe, which was accordingly done. These replies may be considered to embody the sentiments of the writers at the commencement of the conference, and contain the substance of their speeches, but, being written before they had heard the statement of the native Secretary explaining the causes of the Taranaki war, must not be taken as expressing the view afterwards generally adopted by the conference in reference to that question.

During its second week of session three messages were sent down to the conference by the Governor. The first accompanied a set of rules for the administration of justice in native districts. The chiefs were requested to consider these rules, and state their opinion as to their practicability. A discussion took place; the rules, with one exception, being generally approved as applicable to purely native districts. It was, however, decided that no definite opinion should be expressed by the conference until the rules had been considered by the various tribes each in its own district. A second message, containing suggestions for the settlement of disputes about land, and for defining tribal and other boundaries, was also discussed, and a similar course resolved on, the chiefs not feeling themselves at liberty to act without first consulting their people.

A third message, stating briefly the circumstances which have led to the war, and referring the conference to the native Secretary for a more detailed explanation, furnished an opportunity for entering fully into the Taranaki question. This was done by Mr. McLean in a speech of more than four hours, which was listened to with breathless attention, and produced a marked effect on the hearers. After this explanation little more was said in the conference about making peace, although previously most of the speakers who referred to the subject urged putting a stop to the war, and appeared to think that the Governor should take immediate steps to effect this object. Towards the close of the conference, however, the subject was resumed.

During the third week a fourth message was sent down by the Governor, requesting the conference to consider the question of mixed juries for the trial of cases of murder where the accused was of the Maori race. The subject was explained by the native Secretary a few days afterwards, when many of the chiefs expressed themselves favourable to what was proposed, as far as it was understood by them; no unanimous expression of opinion, however, was elicited. Several declared that they were quite willing to leave such matters to the Governor, in the belief that he would know better than they what was required, and would be for their benefit.

An explanation of the English law of succession to real property was read to the conference, and the desirability of making wills suggested as a means of preventing future litigation.

The treaty of Waitangi was also read and explained, and became the subject of discussion. Many of the southern chiefs spoke of it as a thing confined to the Ngapuhi, which that tribe had itself repudiated and broken (referring to Heke's war). They contended that it was signed by their chiefs in ignorance of its meaning. They, however, admitted it to be binding on them in respect of the Queen's sovereignty, at the same time stating that they regarded the pledges given in the present conference as binding them more firmly to a recognition of that sovereignty than any signatures which might have been affixed to the Waitangi treaty.

During this week his Excellency and Mrs. Gore Browne, with several official and other gentlemen, did the chiefs of the conference the honour of dining with them in the hall at Kohimarama, an attention which was highly appreciated, and was frequently referred to by them afterwards as a proof of kindly feeling on the part of the Governor, and of their being regarded by him as on an equality with their European fellow subjects. Though merely an incident indirectly connected with the conference it is one which will not be forgotten, and which produced the best effects.

The conference was adjourned during the first part of its fourth week of session on account of the opening of the General Assembly. The chiefs on re-assembling prepared an address to the Governor, which was signed by all present, praying that his Excellency would make the native conference a permanent institution by convening similar meetings of chiefs periodically. The subject had been frequently referred to in the speeches, especially by the more intelligent chiefs, who appeared to see in the conference a means of remedying all present and future evils affecting their race. Several gave it as their opinion that had such a meeting been convened at an earlier period the Maori King would never have been heard of, and the war at Taranaki would not have occurred.

A translation of the Governor's speech was read, and several of the chiefs expressed their satisfaction at finding that the Governor's words to the English Council were similar to those addressed by him to themselves. Letters were read from chiefs in various parts of the island explaining the causes which prevented their attending the conference.

During the last week the Taranaki question was again taken up and warmly discussed. Several of the chiefs were anxious that something should be done by the conference to bring about a settlement of the question. It having been intimated to them that the Governor would put no obstacle in the way of any plan which might be suggested with a view to that object, it was proposed by

some that a deputation should be sent by the conference to William King, not to propose the terms of peace, but simply to urge him to give up further hostilities, and to submit it to the Governor. To this it was objected that a deputation from the conference would not be listened to, as other tribes had now become involved in the war, including the Waikato, and that such a deputation going from Auckland would be looked upon as having been sent by the Governor. Others proposed that the chiefs should return to their homes, and there appoint a deputation to visit William King. Others, again, deprecated any interference, and were of opinion that the better course would be for each chief to use his influence with his own tribe to prevent his people from joining the rebels. All were agreed that the restoration of peace was most desirable, but the way in which this could be accomplished seemed to be a problem which they were incapable of solving. It was finally decided that Hohepa Tamaihengia, one of the southern chiefs, who was supposed to have great influence with William King, should take an early opportunity of visiting that chief, and of explaining to him the views and wishes of the conference.

The proceedings were brought to a termination on the 10th of August, on which day a series of resolutions, embodying the views of the conference on various subjects, were passed, and afterwards signed by most of the chiefs present. On the following day the conference was closed by the Governor. His Excellency read an address in English, a translation of which was afterwards read by the Native Secretary.

On the occasion of this his final visit to Kohimarama the Governor was received with much enthusiasm by the chiefs, who assembled on the beach to meet him on landing, and, forming a double line for his Excellency to pass through, welcomed him, first in Maori style, and then with hearty English cheers.

As soon after the breaking up of the conference as opportunities offered, the chiefs from distant parts of the country left for their several homes. It should be observed, that, with scarcely an exception, the conduct of the chiefs during the whole of their stay was characterized by the strictest decorum. Whether in the conference hall or at meals, their behaviour was uniformly courteous, and such as in civilized society distinguishes the well bred.

In reviewing the speeches of the chiefs who on various occasions addressed the conference, it may be observed that frankness and candour appeared to characterize them generally. The opinions of the speakers were expressed freely and without reserve, while their wants and grievances, real and imaginary, were plainly stated. Few of them, however, went beyond expressing the sentiments of the individual speaker, or those of his own tribe. The idea of action in concert, or as a united body, is one which has yet to be realized. As regards the character of the speeches, it may be noticed that the Ngapuhi chiefs dwelt much upon their union with the English, with whom they declared themselves willing to enter into alliance, offensive and defensive, at least so far as the present quarrel is concerned. The Ngatewhatua of Kaipara and Auckland also expressed their determination to protect, or at least to live and die with, the Europeans who occupy the territory once their own, though some of their chiefs complained of the restrictions on the sale of arms, ammunition, and spirits, and of the small price given by the Government for their lands, which they were precluded from selling, except to the Government. The Ngatiwhakane, of the Bay of Plenty, professed firm allegiance to the Government, and strongly deprecated the Maori King project. The fact of their having been, within the last 20 years, engaged in deadly feud with the Waikato will partly account for the strong feeling expressed. All the chiefs from the Bay of Plenty were, however, unanimous in condemning the King movement, although it is known that some of their own people are favourably inclined to it. The Whanganui chiefs confined themselves, for the most part, to a declaration of their determination to protect the settlers living in their district, expressing little concern in the proceedings of other tribes. The other southern chiefs were less decided in the declaration of their views, though for the most part joining in condemning both the King movement and the conduct of William King.

The chiefs from the Middle Island, including Taiarsa, a man of great influence, whose name is known throughout New Zealand, expressed most loyal sentiments. The presence of the chief just named has had great effect in giving importance to the conference in the eyes of the older chiefs. The names also of Tamati Waka Nene and Wiremu Nero Te Awaitaia, and their unequivocal declaration of loyalty to the Government, which they were ready to prove by deeds if required, will have a good effect throughout the island.

Among the most intelligent speakers the chiefs Matene Te Whiwhi and Tamihana Te Rauparaha of Otaki were conspicuous. Many valuable suggestions were made by both these chiefs in connection with the various questions brought before the conference, proving them to be men of enlarged views, fully competent to form a judgment on almost any question effecting the native race.

As regards the success of this first attempt to bring together representatives of all the New Zealand tribes for the purpose of deliberating on matters affecting the whole Maori race, it may at least be said that more than could reasonably have been expected has been realized, especially when the circumstances under which the meeting was convened are considered. It is certain that many of the chiefs invited were not without their suspicions as to the object of the Governor in calling them together, and the absence of some of them may be attributed to this cause. That it did not operate more extensively is owing in great measure to the personal influence of Mr. McLean, who was able to communicate with most of the southern chiefs on the subject of the conference, to remove their suspicions, and to bring a large number of them with him to Auckland. The object of assembling the chiefs was but very imperfectly understood, even after the opening of the conference. It was supposed by some that it was the Governor's intention to call upon the chiefs to declare themselves on the side of the Government, and then require them to assist in the war against William King, or in putting down

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the King movement. Several were warned against coming to Auckland lest they should be detained as hostages. The result has justified the confidence of these chiefs, and their return in safety to their people will in itself do more to disabuse the native mind as to the intentions of the Government than any formal declaration, verbal or written, could possibly have done.

As affording an opportunity to the Governor of stating his views and intentions to those who will carry his words throughout the land, and to the chiefs of publicly representing their wants and grievances, and of expressing their sentiments, the late conference must be considered very successful.

There is every reason to believe that it has already been the means, in great measure, of restoring confidence, and that its salutary effects will yet become more apparent. There can be no doubt that the chiefs who have attended this conference are convinced of the beneficent intentions of the Government towards the Maori race generally, and that they will influence others who, like themselves, may have been wavering. With another conference in prospect it is unlikely that the tribes to which these men belong will commit themselves to anything hostile to the Government.

As a means of governing the Maori race, a native conference, its members being properly selected, appears well adapted. It commends itself to the people themselves. It would furnish the Government with the best means of acquiring information as to the state of the native mind, and of disseminating right views among them. Under judicious management it might be made an efficient instrument for removing most of the difficulties which now attend the conduct of native affairs. The advantages which must result from the practical working of such an institution, if successfully established, are, however, so obvious that it is unnecessary to dwell upon them. The question whether such an institution can be established and practically worked is one which time only can solve. The experiment is at least worthy a fair trial, and it may be doubted whether any other yet tried has had so reasonable a prospect of success.

THOS. H. SMITH,
Assist. Nat. Secretary.

Native Secretary's Office, Auckland,
August 27, 1860.

Encl. 2 in No. 39.

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WALTER BULLER,
Secretary of Conference.

DONALD MCLEAN,
Native Secretary.

REPLY from NGATIKAHUNGUNU, No. 1.

Maramara-Kohikohi, July 14, 1860.

FRIEND, THE GOVERNOR OF NEW ZEALAND,

1. SALUTATIONS to you! You have invited us, the men of Turanga, to assemble in your presence, and to express our thoughts before you, and before your Runanga.

2. Bishop Williams has also informed us about the Queen and her kindness towards New Zealand; that she governs the Pakeha race in England, and her authority is also over this island.

3. There is no other nation who will presume to fight against New Zealand; it is for the English only to do this, for there have been three quarrels already, and these were between the English and the New Zealanders.

4. It will be for the Maori Chiefs to consider that document which was written at Waitangi. From the first Governor even to the last, there has been but one word,—love, kindness, and good-will towards us. Now, therefore, my dear friends, let this be held fast in the love of God.

5. As regards the evils at our own place. We are giving our attention to these causes of perplexity, and to some extent we are successful in dealing with them; for we are desirous that the good customs of the Pakeha should prevail amongst us.

6. We assure you that we have no other object; our thoughts take but one direction and are not hidden. Yet there is another word floating on the wind, namely, that as soon as the war against Taranaki is ended the Governor will commence hostilities against Turanga. Such is the report we have heard. There are questions at issue at Turanga. There is a difference with a Pakeha, named Read, about one of their young men, named Tipuna, who was lost in Read's vessel. The correspondence relating to this case has reached the Government.

We shall now carefully consider these words of the Queen, and of the Governor (contained in the address), and we shall hold fast these assurances of good will, which have been given us.

7. It is true that there are false reports current in the mouths of unbelievers; even those with which you are acquainted.

8. This is what we say:—We do not in any way consent to the Maori King, that he should be King over New Zealand. Let these tribes have the King to themselves. We have also great names in our own district, such as Hinematioro, Te Kaniatakirau, and Hirini: yet we should not approve of any of these being made king. No!

9. These are our words respecting this paragraph (9th):—The settlement of the matter between you, and Waikato and William King, rests with yourselves. Our thoughts are occupied but upon one thing, viz., to attend to the good, which is set before us by the Queen, and by God. The protecting power of the God of Heaven is upon his children, upon such as call upon Him day and night. So also the Queen's authority is over whatever pertains to the body, or which concerns our temporal welfare.

10. It is right that you should ask for our opinions. They are as follows:—There is one body, one faith, one baptism, and one parent, even God in Heaven, and the Queen in England, who is the parent of the people of New Zealand.

11. It is well that we should be reminded of our kind treatment by the Queen in order that it may be properly appreciated.

The magistrates at Turanga do not thoroughly understand how to apply the law to the Maori and Pakeha offences.

12. It will be well that the question of war in New Zealand should be dealt with deliberately; let nothing be done hastily. Let care be taken to distinguish the great evil. After the conference, the only thing which is likely to cause trouble in the midland portion of this island is the Maori King, whose pretensions set him up above everything. The evil lies in interfering in the war for the purpose of obtaining power. This is a great offence. It is a piece of arrogant presumption.

13. We are one in love; the law has united us. Of the Ten Commandments, four relate more particularly to our duty towards God, and the other six to do our duty towards man. Our thoughts lie in these words.

14. This is good as it shows in what manner good will one towards another should be manifested. The heart which has enmity either towards God or man is an evil thing. Love to God and man is peace with God, the Queen, and her subjects.

15. These things occupy the attention of the Turanga people. The cultivation of wheat, and the conveyance of it to Auckland, the buying of clothes, and vessels, of which we have three. These are the names of the vessels we own in this year, 1860:—the "James," the "Henry," and the "Tui."

16. Friend,—No foreign nation will presume to molest New Zealand, for good rules have long been laid down for the Pakehas and the Maories in this island that they should dwell in peace and quietness.

We shall not unite with any foolish tribe who may join others in fighting against the subjects of the Queen. We shall not strike out any new faith. There is but one law, the law of God for the Spirit, and the law of the Queen for those things which concern the body and our temporal welfare.

17. We accept the congratulations on our approved condition, which you offer us on behalf of the Queen of England. God also bestowed His blessing on Abraham and Sarah. It was promised that their seed should be as the stars, and as the sand on the seashore for multitude. So let this blessing rest upon the people of New Zealand, even as the love of God upon the whole world. It is this which causes us to prize the precepts of Christianity.

18. Your prayer for the blessing of God upon the deliberations of your councils, when assembled before you, is very proper. It is also the practice of the Church to pray to God that He would subdue the hearts of the unruly. Leave this to God. We shall now try to understand your propositions. and the real meaning of the subjects which are here fully laid before us.

Enough!

From your loving friend,

(Signed) TAMATI HAPIMANA,
TE RANGITUAWARU,
Of Turanga.

(Signed) NA TAMIHANA RATAPU,
NA TE WAKA PEROHUKA,
Of Turanga.

To his Excellency the Governor.

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REPLY from NGATIKAHUNGUNU, No. 2.

FRIEND, GOVERNOR BROWNE, July 16, 1860.

SALUTATIONS to you! In the work of promoting the temporal welfare (of the people). At this time your words are fully laid before us, and ours before you.

As to the difficulties which may arise after this conference, the tribes who have assembled here to listen to your words, must arrange these conjointly with the Government.

There is another case of dispute at Turanga, at Makaraka. It is about the land of Te Kamu Kahutia, and Raharuhi Rukupo. Our desire is that the dispute about that land should be quietly settled. This is our view respecting that piece of land:—Horses and cattle have been offered as payment for that land; but it will be for the Government to settle this matter with the parties who own the land, so that it may be properly arranged, and that the Maories and Pakehas of Turanga may dwell peaceably together.

Friend,—When cases of dispute or difficulty (like this) come to your knowledge, do you send some one to talk the matter over quietly with us, in order that what is right may be done lest evil should grow up among us; rather let there be one law, and one rule of action, viz., that we should love one another as brethren. Thus will the love of the elder brother towards his younger brother, the Maori, appear, even by carefully training us in that which will benefit both. This is also a word from Paratene Pototi to me, that I should go and hear the words of the Governor. These were his words: "Go! and tell the Governor to make peace (with William King), and stop the war, so that both Maories and Pakehas may live and prosper together." These are the words of those who stayed at home at Turanga. They were spoken by them. The words of another old chief of Te Hemara Manutahi were to the same effect: love to the Pakeha, and love to the Maori, and that peace should be made between the Governor and William King.

Another old man, Pita Tutapaturangi, expressed himself to the same effect, for good alone, and that the people of every place should dwell in peace.

The words of another old man named Hare Tanomanaia, were the same, for good alone, and that peace should be made between you (and William King).

Eraihia Te Kotuku's words were to the same effect. Good will towards the Pakehas and the Maories.

We have no other sentiments.

(Signed) NA TAMATI HAPIMANI TE RANGI,
NA TAMIHANA RATAPU,
NA TE WAKA RUATAHUNA.

To his Excellency the Governor,
Auckland.

From the people of Turanga Nuiarua.

This is the word of TE WAKA PEROHUKA.

FRIEND THE GOVERNOR,

THE people of Turanga are engaged in only one kind of work, viz., cultivation of wheat, sailing of vessels, and building of houses for the worship of God. The thing upon which our minds are most set in connection with the Pakeha is buying Auckland vessels, and other valuable property. That we may have one canoe, lest we should trust to the Maori canoe, and evil should ensue. All the people of Turanga will now take their stand on that which is good, and on that alone.

These are the names of the places who are united in this determination:—

Te Wairoa.	Kaiana.
Te Whakaki.	Tokomaru.
Nuhaka.	Waiparo.
Nukutaurua.	Whareponga.
Te Mahia.	Tuparoa.
Te Mahanga.	Te Horo.
Whareongonga.	Rangitukia.
Maraetaha,	Waiapu.
Wherowhero.	Horoera.
Turanga.	Te Kawakawa.
Ponawa.	Punaruku.
Whangara.	Wharekahika.
Puatai.	Ko Rete.
Nawa.	Tokakuhu.
Tangoiro.	

These are all the people. The above-named places have but one law—Christianity alone; and respect the authority of the Queen, and of Governor Gore Browne.

Now, oh my elder brethren! bring forth those things which we so greatly desire—guns and powder, the things which are desired by us, the people who are under the law, that we may speak the same words. If you consent to this, it will be well.

This is a word of mine: In the summer I came here to speak about a mill for our place at Turanga, for Pakohui. I agreed with Mr. Smith that the Government should undertake to direct what should be done as regards the arrangements for the erection of that watermill, as I had deposited my money with the Government in order that the necessary arrangements might be made. I am anxious that our "Runanga" should soon be brought to a close, that this matter may be settled, and that we, the parties concerned, may hear about it. Then let some Pakeha be pointed out who will undertake to build it.

From your loving friend,
TAMATI HAPIMANA TE RANGI.

To Governor Browne, the director of all things,
Auckland.

There is now a dispute at Turanga with Mr. Read, a Pakeha. It is a dispute with the people to whom the young man Tipuna belonged. These are the names of the parties—

Hori Te Hika,
Rapata Whakapuhia.

These are the men who oppose the good which the well disposed try to effect. We believe that these people wished to lay hands upon Captain Read, and rob him of a horse. On hearing of the design of that party, we published it abroad, that their proceedings might be put a stop to, for I had heard the particulars of the case respecting that young man. I said the wages due to Tipuna from Read amount to 3*l.*; to this sum Mr. Read added 2*l.*; total 5*l.*

These were added to conciliate the other party and the parents of the deceased; however, they did not consent to accept that money from Mr. Read. Enough! I have now stated to you the particulars of this dispute for your information. We, the old men, discountenance the proceedings of those two men, in order that they may not work folly, but that the people may experience the benefits of living under one law.

These are they who trample on the good words of this wise, and of the elders of the Church. Enough!

We have told you all that relates to our place. Do you regard these our words? I shall now recite a song.

(Song.)

Friend, Governor Browne,

Let the name of this paper be "Matariki" (name of the Pleiades). It is Matariki who brings together all kinds of food and assembles the stars.

The Governor invited all the chiefs to assemble hither, therefore this name will be applicable to this paper when printed, viz., "Ko Matariki."

From your loving friend,
(Signed) Na Tamati Hapimana Te Rangi,
A Teacher in the Church of England under Bishop Williams.

To the Governor,
Auckland, July 17, 1860.

Reply from Ngatikahungunu, No. 3.

To the Governor.

Sir, July 16, 1860.

Salutations to you! We have a word to say to you. Let one place for assembling your conference be here, in Auckland, and we say also that you must go to Wellington and there hold another conference. This is the desire of all the chiefs of the head of this island of New Zealand. Sir! we are in earnest in what we now say to you. It is the unanimous wish of the Chiefs of the South that you should go to Wellington to confer with them that you may know all your people, and that you may know the people of the king, so that you can place your people in order under the authority of the Queen, that she may make matters right for her subjects who live under her rule, so that our shortcomings as subjects of the Queen should be made straight by you. The lands that you have given to us, to your children, are not yet settled, that is, we have not received Crown grants for them. That is one grievance; there is another:—Our lands are sold to you, but we have not yet received the payment, and we have become like dogs through waiting for the price of our lands. One desire of ours is, that these causes of discontent should cease. Those are evils to which we are constantly subject. There is another: the supporters of the Maori King are trying to get us, the Queen's subjects, to join them in their fruitless undertaking. That King movement has no object in view, save this:—Hearken! to take the lands in the territory of the Queen, and to usurp the Queen's sovereignty. Your word was right where you said that this is rebellion against the Queen. Yes! that word of yours is right. Now this is ours to you:—Marshal your people living in this island in New Zealand, that you may know which are yours; and it is for you to provide for your children. You provide for them by permitting them to be supplied with all your goods and commodities, and causing us to dwell in peace and security. The subjects of the Maori King must look to their king to do the same for them.

Sir, this is a true word. Now, therefore, perform it that you may soon witness the effects. Let the king see to supplying his subjects and getting their debts paid. These are our ideas which form the subject of discussions in all our runangas, namely, that you should act upon these suggestions. It is ended.

A Song.

I am no more on the Maori side,
I have turned to that of the Pakeha;
Let these blankets be the payment.

From
Wiremu Waka and Karaitiana Te Korou,
both of Wairarapa.

His Excellency the Governor.

Reply from Ngatikahungunu, No. 4.

To the Governor, July 14, 1860.

Friend, Salutations to you! I have come into your presence to hear your words. The words I sought are those which you have spoken, that is, that the Pakehas and Maories should cleave to each other and live together, and work together, and that they should be of one mind. These words were spoken by the first Governors; they have remained down to the present time, and are now spoken by you; your words all are to the same effect, they all mean good. Friend! I must say to you concerning this word, that our union is nominal, that our bodies are united and that our hearts are divided; that is to say, the hearts of the Pakehas and of the Maories. The cause of this separation

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is this:—Some Pakehas, both low people and gentlemen, have said that we, the Maories, are mere dogs in your estimation. These words are not of to-day, but from the time of the first arrival of the Pakehas at this island, these words have been used and still continue to be used. There is only one word that is true, and that is the Word of God. The words of men are of two kinds, good and evil. These words have a tendency to separate us. Your word also about the protection of this island, by the power of the Queen, which secures us from aggression of other nations, is correct. The island is preserved in safety by the name of the Queen.

Your request that I should speak my thoughts, that you may hear them, is also right.

Friend, the Governor,—I gave my land while the sun was shining. The parts that were retained were named whilst the sun was shining. The portions that were returned by the Queen were named whilst the sun was shining. Nothing was done in the dark. These lands are not yet settled, so that each man should have his own. This has caused other thoughts to spring up—the lands not being speedily settled. Friend! this is why some men have made themselves a king. In my opinion there is only one true King, even Jehovah in Heaven, and all people who dwell beneath the skies should serve him only.

Friend, the Governor,—I heard nothing good of the first Governors. Only one Governor has conferred on the Maories the good things of the spirit and of the body, and has taken notice of his Maori children.

Friend, the Governor,—These words that you have spoken will not come to pass, because the evil has now become deep. Why did you not devise some mode of proceeding during the years that are now passed? Now that this island is in confusion through the King movement and through fighting, do you for the first time take steps in the matter.

Friend! I will not say many more words to you, for this reason, that I and my Pakeha friends are living together under one law.

This is all I have to say to you.

(Signed) NA RANIERA,
Te Tho o te rangi.

His Excellency the Governor.

REPLY from NGATIKAHUNGUNU, No. 5.

FRIEND, GOVERNOR BROWNE, Kohimarama, Auckland, July 16, 1860.

SALUTATIONS to you! Friend, Mr. McLean, salutations to you and your Runanga! including Messrs. Smith, Clark, Kemp, Buller, Baker, and the Rev. Mr. Burrows.

Friends, salutations to you! the explainers of the laws of the Queen and the Government.

Friend, Mr. Burrows, salutations to you! explainer of the laws of the Most High.

Friends, this is our word:—We are not able at the present time to express to you an opinion with reference to the various subjects contained in the Governor's Address. This is what we will say:—That which the Governor has set before us, is good, for he it was who brought knowledge to New Zealand, the knowledge of good and the knowledge of evil. The evil thing is the gun; its evil is that human life is destroyed by it. Then there are the Ministers; through them peace reigns among the tribes of New Zealand.

Friend, Mr. McLean, we address this to you:—I do not belong to Waikato, that I should know any thing of this new system. Do not say that I am hiding my thoughts from you. Friends, this is our saying:—The system of Waikato is a system that will cause great disturbance among the well-disposed of the tribes of New Zealand.

There is another reason why we do not recognize that new system. There has been no law given to the people of this island concerning king making, therefore the doings of Waikato appear dark to us. The only law we have been taught is, that we should take part in the schools, that we may be instructed in good things. These are the good things that are to be learnt: the work of schoolmasters, of ministers, and of bishops; that is all on that subject, This is another: that some of us be appointed magistrates, or directors, or governors. These are the only laws we have seen; the other is, "that we should do our duty in that state of life unto which it has pleased God to call us." Now, friends, that new system has reached Wairarapa, and those who have joined themselves to it are (100) one hundred in number. Now, friends, let the doings of Wairarapa be known to you; one hundred have nothing to do with this business; they are treating the Pakehas with kindness.

Friend, Mr. McLean, hearken! Some of our difficulties, of the people of Wairarapa, are settled. There is one matter which is a source of confusion. Our lands which we retain are a cause of disagreement amongst ourselves; also between the Maories and the Pakehas. There is yet another; those lands which have been returned to us by the Government are not yet settled. There is one piece of land that is causing trouble,—the place of your friend Manihera, and of his Father Rawiri. It is called Ngutupiri, and has been taken by the Government; we consider that this will be a source of difficulty among the people of Wairarapa. Friend, the Governor, these faults that we have been pointing out are on your side. Friend! this is our word: to three of the Governors my district has been unknown. But Governor Grey knew my place, Wairarapa, both he and Mr. McLean. Governor Browne does not know Wairarapa. There is only one place that he stays at, and that is Auckland.

Friend! I have a word to say to you:—Put an end to your fighting with Wiremu Kingi, in order that the love of the Queen may be manifest to the Maori people, and that it may be a true word, when one says, "I belong to the Queen;" "I belong to the Governor;" "I place myself under the Queen and the Governor." Friends! these are our words: "Agree with thine adversary whilst thou art in the way with him." There is also another word: "Let them both grow together till the harvest."

Friends! this is another word to you, that is, to the runanga of the Government. Do you give us guns, powder, and shot, and caps, to shoot birds with, that this word may be made good, which says, "the Pakehas and Maories are one people."

If you do not fulfil our desire then it is not true that the two races are equal.

You say that you are keeping off evil nations, and that no other strange people have come here. You perhaps refer to the French when you say that we must be on our guard against a foreign nation.

Friends! there is no other nation besides yourselves that can disturb the peace of the earth. These words are ended. You can approve or disapprove of them.

Friends, Mr. McLean and the Governor,—We have a desire that you should hold a conference at Wellington. Do not refuse but consent, in order that the Governor may see the people of the South. Enough!

This is a Maori Song:

(Song.)

From your loving friend,

(Signed) NA HOANI WIREMU POHOTU.

From your loving friend,

(Signed) NA NGATUERE TAWHIRIMATEA.

(of Wairarapa).

REPLY from NGATITOA, No. 1.

Kohimarama, July 20, 1860.

These are the subjects upon which I wish to speak in the Maori Conference at Kohimara.

1. Land is the main root from which spring the frequent quarrels of the Maories of this island. This is the ruin of the Maories, causing them to destroy and murder one another.

Let the Governor now consent that the wars among the Maories should be made to cease. This "Runanga" now stands as a light to both races, to the Pakeha and to the Maori. Let this Runanga be a beckoner to those who are going astray, following the old customs of the Maories, that they should come back unto the good path which the Governor has pointed out as that by which the Maori race in New Zealand may attain to what is for their welfare; and the two races, the Pakeha and the Maori, may preserve mutual friendship. There is but one Queen who is parent for these two races, who thus mutually stand in the relation of brethren. It is this Runanga, by which a light appears above the horizon like the morning star.

2. Future sales of land by the natives to the Government should be conducted by a Commission to be appointed as follows:—Let the Governor select a Pakeha gentleman, and a Maori chief as an assistant, and let them conduct the negotiations for lands sold by the Maories to the Government. Let them investigate the title, conduct the purchase, and make all the arrangements. In my opinion the system of land purchasing by the Government would by such an arrangement be clear.

3. In future, when land is sold to the Government, portions should be specially set apart for the indigent Maories. Let the Governor appoint a Pakeha and a Maori Chief as trustees for lands so appropriated, and let them be the managers of them that the possession of such land may be rendered secure, lest there should be disputes as among the Maories in time past. In my opinion the Reserves would then be clear.

4. For persons of this class have not the means of purchasing land from the Government.

5. The money paid for the land by the Government to be distributed among the real owners of the land, as, if there are two hundred persons, a chief should receive 2*l*., the persons next in degree to the chief 1*l*., and those of inferior rank, 10*s*. This is the reason why the Maories are not able to purchase Government lands, because they do not obtain large sums of money. If 30*l*. were received by one man or even 20*l*., then it would be possible to purchase Government land.

6. Another suggestion I would make with reference to our lands is this:—that portions of them should be set apart for the benefit of the Maori people. That the Governor should allow such lands to be leased to the Pakehas and the proceeds applied for churches, mills, medical attendance, and in defraying other expenses connected with Maori towns; also for improvement of roads, that they may be like the roads of the Pakeha; provision also to be made out of this fund for the entertainment of Maori visitors.

7. With reference to the law for reputed wizards: let not such a man be murdered. It will be for the Governor to reprove those who believe in witchcraft. If they persist in such belief, let the case be brought before the magistrate, that the truth or falsehood of this Maori practice may be made to appear, and that that foolish thing may be done away.

8. Another thing is, that the Governor should allow of provision being made for the Maori ministers. Let land to the extent of five hundred acres be taken from among the land of the Maories, and other portions as sites for schools for the children, and for Maori churches. If land could be thus made available for the support of Maori ministers the necessity for money contributions from the Maori people for the maintenance of their ministers would cease. The land would furnish a permanent source of income. The Governor's permission is necessary in order to carry this into effect.

These are my thoughts.

(Signed) TAMIHANA TE RAUPARAHA.

REPLY from NGATITOA, No. 2.

My loving Parent, GOVERNOR GORE BROWNE, Kohimarama, July 20, 1860.

I AM but just recovered from a serious illness; I now wish to write a letter to you to express my appreciation of the clear address you read to us on the 10th July 1860. I quite understood your words and the meaning of all I have read in that address. I shall be very sorry if this title (of Maori King), invented by the tribes south of Auckland continues to gain ground. But we must endeavour to suppress it, in order that this name of disgrace may quickly disappear from this island. I am unable to put any other meaning upon the words which I have read with so much satisfaction than that which they so clearly convey respecting the continued affection and love of the Queen, to her Maori people; I do not include those who are in arms against the Queen at Taranaki, but I mean those who are living quietly under the sovereignty of the Queen of England, and of New Zealand.

NEW ZEALAND.

Your word also respecting our lands recommending that they should be property surveyed, and brought under the operation of the wise laws of England is clear. It has given us great satisfaction now it will be clear. This "Runanga" does not blame you with reference to the war which Wiremu Kingi is now carrying on against the Queen; all the particulars relating to the Taranaki land have been made clear to us by the explanation which Mr. McLean has given. The "Runanga" is now satisfied that Wiremu Kingi was wrong in resisting the Queen's authority.

By your humble Servant,

His Excellency the Governor. TAMIHANA TE RAUPARAHA.

REPLY from NGATIWHAKANE, No. 1.

FRIEND, THE GOVERNOR, Kohimarama, July 13, 1860.

SALUTATIONS to you! We have seen your speech. It is well. This is what, in my opinion, is good, and which will produce good to both races, to Pakeha and Maori. It is that the Maori should take part in the Pakeha runanga. Although the Maori may not understand the language of the Pakeha, a Pakeha who understands Maori could interpret for his Maori friend.

2. It is right for you to explain to us the good intentions of our Queen, who is so gracious to the Maories in New Zealand, to tell us of her kindness and regard for her Maori people, and of her sending her Governors, from the first to yourself, to show us what is good. Friend! we are rejoiced because of this light which is set up in this island. The light I allude to is, the Governor, who stands here explaining to us the laws of our Queen, and pointing out the path to your Maori friends.

3. This word also which you have spoken about the sovereignty of the Queen which has covered this island, is right. It is right, in my opinion, because we were not aware that any other nation was likely to take our island of New Zealand. We thought that you were the only foreigners coming to this island; and now, O Governor! I seek in vain to detect a fault in your words; nothing but what is right has been found by me. I have thought, therefore, of placing my lands under your protection some of these days, and when I return to my place to appoint a great committee to properly lay down the boundaries of our lands, and when this is completed to hand them over to our Queen to be taken care of. I fully agree with this, that good may spring up for our children, and for all the Maories, and that the property of the poor and of persons of low degree may be protected, so that your Maori friends may properly thrive in New Zealand.

4. The reminding us also of the meeting at Waitangi, where the sovereignty, &c., was ceded to the Queen (or, are in accordance with the terms of that treaty). My thoughts are similar. I am for yielding up the management of all matters in this island to our kind Queen. I think in my heart that the Maori should be the same as the Pakeha, and that they should have but one parent, namely, the Queen, that they may be called the children of one mother.

6. Friend, the Governor, hearken! Do not suppose that I am speaking as behind your back. No! I am confronting you and expressing my thoughts. Do not think that I am keeping any back; I am not doing so. These words are given to you in the light, as you, in the light, have given the Queen's words to her Maori people.

Friend! I agree that disorderly persons should be punished by the law, and that disputes should be peaceably adjusted. This is another word of mine to you:—If a Maori is unjustly killed by a Pakeha, I will not kill the murderer, but will give him up to the law to put him to death. The law shall judge him and decide upon the merits of the case, and separate the right from the wrong (the guilt or innocence of the accused); also, if a Maori presumes unjustly to kill a Pakeha, I will give him up into the hands of the law, although he may be a chief, he shall be given up to suffer for his offence; for I am not willing to bring upon the innocent the punishment due to the crime of one man. Enough upom this.

I will now make some remarks upon the 7th clause; it will perhaps be properly replied to by me: this is all I can say on the subject;—We thought that perhaps this war would spead over the world, and an idea came into my mind that we had better side with the Pakeha, that he might be as a parent to protect us). The Governor will treat us with kindness. Having settled this in our minds the anxiety of our hearts ceased on the 11th March, 1860.

8. Friend, the Governor of New Zealand, hearken! Do not suppose that we are looking towards the unwarrantable proceedings of the Waikatos; no, attend! it would have been right, had this setting up a king for New Zealand been commenced long ago, but as it is, he has been set up in the midst of the enlightened laws of our Queen, and therefore we do not at all approve of that king, and will never, never acknowledge him. Although they may endeavour to draw us to take part in their work we will not do so Listen to this simile:—If that with which they endeavoured to pull us were a chain or a rope they might succeed; instead of which it is merely green flax joined by tying the leaves together; when one pulls it parts, inasmuch as it is not twisted. This may be compared to the presumptuous work which has been set on foot in New Zealand. A chain will not break nor will a rope; paint is used to preserve the chain, and oil for rope; the kindness of our Queen, as made known by her Governors to her Maori friends in New Zealand, is like the paint and the oil.

Friend, the Governor,—This is a question I wish to ask you, what can be done to put down this Waikato King movement? In my opinion it will die of itself if you agree to what I now propose. I will fully explain it to you:—would it meet your approbation to erect a fence, that is to make a law for all Waikato, to stop their being supplied with blankets, shirts, trowsers, coats, sugar, tobacco, and all such things? Let none of these things reach the Maori tribes of Waikato. This, in my opinion, would put an end to the Maori King. Let the Rangiaohia Pakehas also return to Auckland, in the same way as the Kawhia settlers have been taken away. Enough of this. It is ended.

And now, O friend the Governor! I cannot find expression for the many proofs of your goodness, nor am I able to reply to the words of the Queen, which you have read in the presence of your Maori friends.

This ends what I have to say to you.

Your friend,

To his Excellency the Governor, Auckland. ERUERA WIREMU KAHAWAI.

Reply from Ngatiwhakane, No. 2.

Father, the Governor, Kohimarama, July 14, 1860.

We salute you! On the 10th of July we assembled before you to hear an exposition of your just thoughts. Listen! Father! this is the pledge and assurance which we now give you. We have agreed to trust the protection of our land, and other possessions to the laws. We now abide by the Treaty of Waitangi.

4. One reason why we truly consent to the Queen is, that murderers be severely punished, and that all violent persons and thieves should be judged, and all who otherwise transgress the law.

6. Father! we will faithfully adhere to the Queen. See! we have not hidden, nor kept back anything; but have expressed all thoughts, and we have no cause of dissatisfaction to bring forward in reply to the invitation contained in your address. The heart is at rest, and its thoughts have been made manifest to you; nothing has been withheld by us; everything has been carefully examined. Your children may now rest in peace and contentment.

6. Father! the malice in men's hearts leave to God; what the eye sees that alone can the laws deal with. There are many Europeans who have learnt to speak Maori. What then is the reason why we are not admitted into your councils to deliberate on matters affecting us both? One of our proverbs says, "Grow, O Law! Embrace, O Runanga!"

Enough on this subject. What follows is about the Maori King. We searched for some means of putting down this Maori King, and found none. And for this reason, he bartered the overshadowing protection of the Queen's name for the title of Maori King. The only thing we see is, that we all treat it with indifference. Do not make war upon him with words, for all the chiefs are on your side.

Oh, Governor! first look to the root from which this thing, the Maori King, has sprung. Secondly, look at our words expressing our disapprobation of this Maori King; and, if this is not sufficient, let us know your own thoughts, and how you would have us act. Enough!

From your friends,
Winiata Pekamu,
Topine te Amohau,
Taiapo te Waiatua,
Nga Huruhuru,
Henari te Pukaatua, ara na te Runanga o Whakaue.

To his Excellency the Governor,
Auckland.

Reply from Te Tawera.

July 13, 1860.

6th. Yes! We will not conceal evil things if we detect them. Listen to what I have to say to you. You will know how to act for you are a wise people at finding means for the correction of our errors, which we submit to be dealt with by the laws of the Queen, our Sovereign. Hearken! I am willing that my property and my land should be guarded by the law of our Queen, that evil doers should be punished, whether chiefs or slaves. Let them be given up to you for their misdeeds, that disputes may be amicably arranged according to the law of our Lord in Heaven. Another thing. Let anger not be hastily stirred; but let there be forbearance; do not be in haste to go to war. Let the Waikatos follow their our devices. It is want of knowledge which has led them to set up a king for themselves to usurp the Queen's sovereignty. Another thing: Let us not be too ready to take up this matter, lest it bring us into trouble. Hearken! In my opinion you do well to be on your guard, for this thing is trampling upon your authority.

Father! Salutations to you! the father of the people of this island, the father of the orphan, the widow, the sick, and of the Pakeha and Maori children.

10. Yes! Your thoughts are just. I agree with your good words to your children, who are separated for you, and have been joined to the English that the protection of the Queen may overshadow us for ever and ever.

11. I am rejoiced that my land should come back to me. Yes! I have been to the court to seek justice. It was in 1859. It was about my vessel, and I saw there how the law worked. It is well that we should adhere to the Queen as our parent, and our head for ever. Let the Pakeha be united with the Maori; let us be grafted into the good olive. Here is another word:—It was ignorance that caused blood to flow in New Zealand, therefore let ignorance be put down. This is another word. It refers to the Pakehas. These words of the Pakehas cause great offence. They say "No good the Maori—go outside." Persons merely passing are sworn at. This is a bad custom of the Pakehas living in our various settlements; and there are many other offences committed by Pakehas and Maories. This causes ill feeling. Your thoughts turn one way and ours another; and thus we become separated. The words of our Heavenly Father are: "I have great heaviness and continual sorrow in my heart." This is an acknowledgment of our offences—murder, land taking, adultery, swearing, deceit, wrangling, upstart pride, malice, theft, witchcraft, railing, anger, lying, provocation. Enough! It is ended. We are not competent to form a judgment respecting your thoughts and the views you have made known to us, for we are an ignorant people and cannot take upon ourselves to scrutinize your laws or the good regulations that you have set up in Auckland. Listen to the Word of God: "Agree with thine adversary quickly while thou art in the way with him." This is another word to you: I see no fault in you, or in the written speech which you have sent to us. Enough! My ideas are exhausted.

Tamati Hapimana,
of Tapuika, of Te Tawera,
(Son of Te Rongatoa).

To his Excellency the Governor,
Auckland.

REPLY from NGAPUHI, No. 1.

SIR, THE GOVERNOR,

THIS is in answer to that word of yours, where you say: "Let evil thoughts be made known to you." Hearken! We have nothing to tell you. The only bad thing that takes place at the present time, is the Pakehas without provocation, striking the Maories with their fists, and the Maories striking the Pakehas; but this is no great matter, the Maori King is a bad affair as it seeks to do away with (put down) the Queen's sovereignty. No! a large house cannot be contained in a Maori house: the Pakehas' house is a large house. Friend, the Governor, hearken! When I was a child I thought as a child, but now that I am a man I have put away childish things. This is all I have to say to you.

A SONG.

My heart is filled with love,
Spirit of the Queen!
Thou 'rt separate from me.
Whose is the fleet that yonder sails?
'Tis thine, O Kohu! Return!
Remain quietly on shore
At Maketu.
Shipwrecked we sit here on a rock,
And in spirit are with you.
Alas! our canoe decked with white feathers
Of the albatross, from the sea,
That you might be admired.
Go north to Hauraki
To be the admiration of all the Nga Timarus!
Alas! you are stranded,
On Auckland shore.

WIREMU TE TETE,
(Native Assessor) of Waikare, Bay of Islands.

To his Excellency the Governor,
Auckland.

REPLY from NGAPUHI, No. 2.

FRIEND, THE GOVERNOR, Kohimarama, July 14, 1860.

THIS is what I have to say to you: I did not find one fault in your address, therefore, I now say to you, the Europeans are not strangers to us Ngapuhi. For the Pakeha is the parent through whom the Ngapuhi and other tribes have grown and thriven.

You have heard the name that was given to the Bay of Islands' flagstaff "Union with the Queen." But our good character is of old; when men presumed to steal the property of Europeans, they were punished for their audacity, therefore do I say, the Europeans are no strangers to us.

Sir, the Governor,—We will never agree to this Maori King, never! No, never! And we say, therefore, now that this is a provocation of the Pakeha to evil; probably they have been trying to follow the example of the Pakeha; this is wrong.

Sir, the Governor,—Great is the sorrow caused by the misdoings of Te Rangitake, inasmuch as his land has been long ago parted with to the Europeans. Therefore, I say, that this evil is the joint work of the Maori King, and Te Rangitake, for his (the King's men) have gone to Te Rangitake.

This evil lies at the door of both. Chiefs of this Assembly! where is the word by which we shall enter into alliance with the Government? I say, let us show our sympathy with the Europeans who are there being killed, for we have received the laws, and they have instructed us that he who does evil the laws should punish. Ye Southern Chiefs! now present at this Assembly, it is for you to show your love to the Governor, who is adrift upon the waters (in trouble). If you do not show your love I must show mine, for my people, the Europeans. You will get no more.

Sir, the Governor,—Salutations to you! Listen! do not make peace for ever and ever. Amen. Do not consent to do so until the murderers are delivered up into your hand. When that is done it will be good that the matter should end.

(No signature.)

To his Excellency the Governor, Auckland.

REPLY from NGATIMAHANGA.

FRIEND, THE GOVERNOR, (Kohimarama) Whanganui, July, 1860.

SALUTATIONS to you! Chiefs who dispense love to all nations, salutations to you all! These are my thoughts, which I have made known to all the tribes in the south and in the north, concerning the sin of those people, who are seeking evil.

I now say to you, hold fast the word of your friend, Potatau! Hold fast to kindness! Wherefore, I say, be strong to suppress evil among the people, that every tribe may rejoice, that the words of Scripture may be fulfilled "Thou shalt love thy neighbours as thyself." This also is one of my thoughts:—The oyster cleaves to the rock in the midst of the sea, though dashed by the waves, and does not fall off. By the rock is meant the Queen, and by the oyster the people of Whaingaroa and Aotea. Enough!

His Excellency the Governor,
D. McLean, Esq., and
Thos. H. Smith, Esq.

From TE WAKA TE RUKI.

Reply from Ngatiporou, No. 1.

To the Governor.

Friend, the Governor, July 16th, 1860.

Salutations to you! Sent hither by the Queen, to protect the two races dwelling in this country of New Zealand, from aggression by foreign nations; by her who in time past waged cruel war against other races, destroying some, driving the survivors away, and then seizing their land and assuming the power. (Referring to the 12th Clause of his Excellency's Address.)

2. When the Queen heard of me, the Maori, living in this country of New Zealand, and that some of Her own people had come to settle amongst us; then was her kindness towards us manifested. Before you came Missionaries were sent by her to preach to us the Gospel of God. The first word of the Gospel was repentance, absolution, and forgiveness of sins, and peace.

When the Missionaries arrived, they beheld us, and explored the coasts of our land. They saw that many of us were in the depth of misery; some were bound by the chain of the enemy, and some were devouring one another. Then did their hands seize us by the forelock, and draw us thence, and we stood forth from the gulf of darkness. Then for the first time did we behold light and salvation, which have remained to us to this day. Those who were bound were released, and those who were devouring one another were parted. The customs of the Maories were then made by the Missionaries to give place to the works of the Gospel of God. Cannibalism and other evil practices of this land were all abolished and superseded by the works of God. The Missionaries pointed out to us that we had a father in Heaven, even God, and that He created us.

Friend, the Governor,—In my opinion, it was quite right that the Queen should make war upon other nations, and it was also right that she should send the Missionaries here, and that she should have shown her love to the people. This is quite correct in my view. The same was done in time past. God visited the heathen nations with his wrath, and allowed his own people to occupy their lands. Afterwards he manifested his love towards men, and God sent his son into the world to seek men, and to preach the acceptable year of the Lord.

Friend, the Governor,—The first shadow which the Queen spread over me was Christianity. This is the chain that has held me and caused me to dwell in peace, happiness, and good will. I could not break away from the chain, and I could not turn back to the evil customs, and the canibalism of our Maori ancestors.

Friend, the Governor,—I, of the Ngatiporou tribe, am conducting myself properly at my place, and am engaged in following out the precepts of the Gospel of God. This shall be my aim all the days of my life, even till death; accordingly I consider it to be my duty to send my children to Turanga to the school of Bishop Williams, that they may be taught the good ways of the Pakeha.

Friend, the Governor,—On your arrival here the powerful hand of God had already united these two races together, still you must stand as guardian on the one side of these two races, and the Holy Spirit of God on the other. The enemy also on one side is Satan; and the enemy which you have to guard us against is the foreigner. Hitherto no foreign nation has come to destroy these two races, but they are found to be quarrelling among themselves, even in the presence of their protectors. It is precisely the same as in days of old, when I had no guardian, I mean under the old Maori system.

O Friend, the Governor,—Let your side be guarded properly, for the Scriptures say: "He that watcheth, let him take heed lest he fall." Your error is your haste to be angry, and your inciting the wise race to destroy the ignorant race.

It was not left for the foreigner to destroy them, but you took upon yourself to do it. What is the good of your talking while it is seen that you are quarrelling both with the people and about the land.

Friend, the Governor,—Let your duty of taking care of and governing the two races be properly discharged, and let your land purchasing transactions be properly conducted, that you may be blameless; for this is the present cause of confusion, involving both Pakehas and Maories, even the wrong purchasing of land, the owners of which not being satisfied as to the fairness of the price given for their land. Hence arise disputes and those evils which destroy men's lives.

Friend, the Governor,—Those are my inmost thoughts. Here also are others which I will express to you. Should you punish me without cause wrongfully, what can I say to you? I would say this:—You are very unjust to punish me, for I have no desire to fight like other tribes who are fighting the Pakeha. I have no desire to set up a Maori King like some other deceitful tribe. I have only one King who is in Heaven, even Christ, who is King of Kings, and the head over all men. I have no desire to sell land like some who deceitfully sell their land to the Pakeha; or is the deceit on the side of the Pakeha? or, perhaps, there has been some deceitful dealing on your part, judging from the serious nature of the difficulties which have arisen in connection with land? If only men of inferior rank were implicated in these difficulties, they might be settled by the chiefs and be made to disappear. But as the Maori proverb says: "The seas of Maihirangi surge high;" this proverb is used with reference to an easterly gale, and applies to the war about the land which is going on between the Governor and Te Rangitake (Wiremu Kingi).

Friend, the Governor,—Those are some of my inmost thoughts. There are yet others which I will express to you.

There are troubles at my place, arising out of the avariciousness of the Pakehas in their dealings. The price given for a bushel of wheat is five shillings, and even as low as four and three: the price given for a bushel of corn is three shillings, and for a basket of potatoes one shilling. Such dealing as this is fraudulent. It is for you to look at it. I consider those Pakehas to be robbers; they only show us the shadow of the money, and do not give us cash for our produce. The only money which those Pakehas give us for our produce is the rotten clothes which are rejected in this town, apparently what they have picked up out of the rubbish trodden under the feet of all the Pakehas, merchants of this town, and which they bring to us to exchange for our produce. Our food is delivered to them in sound condition, but the clothes which they give us are rotten.

Friend, the Governor,—I am thinking that you should make regulations for these things, that we may dwell at peace with these Pakehas.

NEW ZEALAND.

Friend, the Governor,—Those are some of my thoughts. This is another:—Let us buy guns, powder, shot, and caps for shooting birds, that we may have something to give relish to our breakfasts.

Friend, the Governor,—Those are some of my thoughts. This is another:—I desire that you will make known to me some rules for administering justice at my place, for you know that the Maories are liable to go wrong. Here end my thoughts.

Friend, the Governor,—Salutations to you! I will take your words to Ngatiporou, to the people who hold fast what is valuable, and greedily swallow (talk). This is their Maori incantation (Karakia Maori).

The inanga (a fish) swims in the deep water,
The inanga swims at the bottom,
Oiwiwia Oirawea, give me my treasure! it is a treasure.

(Congratulating themselves on their good fortune.) Enough! it is finished.

From your loving friend,
(Signed) NA TE IRIMANA HOUTURANGI,
of Wharekahika.

REPLY from NGATIPOROU, No. 2.

FRIEND THE GOVERNOR, Kohimarama, July 17, 1860.

SALUTATIONS to you! We will speak our sentiments to you. Ours is a district which is forgotten by the Governor. This is why we say it is forgotten: No Governor has as yet visited our district—the East Cape—up to your time. Now we think that you should visit all those whom our Queen has sent you to protect.

Friend, the Governor,—Your friend the Bishop does visit us, but you are very remiss in not visiting us, inasmuch as you are our protector and benefactor.

Friend, the Governor,—This is our word with reference to the Maori King. If white and black agree it is right, but if it is left for black alone, it will not stand. Enough for that.

Friend, the Governor,—We are all under the sovereignty of the Queen, but there are also other authorities over us, sanctioned by God and the Queen, viz., our Ministers.

O Mother, the Queen, we salute you! We have come hither in obedience to your call. At all events, we have heard your words, which will be something for us to carry back to the south, to our tribe, the Ngatiporou.

Friend,—We are engaged in only one work, and that is teaching our people to live as they ought, and in conformity with the precepts of Christianity.

This is one thing. Sickness has interfered with our giving that attention to the Governor's address which would probably have made it clear to us had we been well.

Friend, the Governor,—We do not consent to the Maori King. Leave their King to themselves.

With respect to the war between the Governor and Wiremu Kingi, it must be left to them to finish what they have begun. Those also are ended.

Friend, the Governor,—Is it by your authority that the European traders of our district refuse to give money for our produce, or is it by their own? Our greatest inconvenience is in not having money for our collections for our Ministers, for they (the traders) refuse to give us money.

We are very much dissatisfied with the Pakehas of our place. Friend, the Governor, it is for you to consider my words favourably, even as I have obeyed your call to me.

Friend, the Governor,—Salutations to you and to our Gracious Queen! These are all my words to you.

(Signed) NA WIREMU,
NA WIKIRIWHI MATEHENOA,
of Wharekahika.

His Excellency the Governor.

REPLY from NGATIAIRA, No. 1.

FRIEND, THE GOVERNOR, July 14, 1860.

1. SALUTATIONS to you! These are my words to you. England has fulfilled the law of kindness towards us as regurds hospitals, schools, and the magistrates. England's treatment of us in those respects has been just.

2. This is where England has failed as respects us:—These places where the Maori lands have not been sold to the Government do not participate in the privileges which are enjoyed elsewhere under the English law.

3. I would now ask you—Why is not the law of England made to apply to the lands of the Maories, and Crown grants given to the proprietors?

4. Then as regards cases of murder, where one Maori murders another, the law does not apply here.

5. The Maories lease their own lands to the Pakehas. The law of England does not sanction this, fearing lest, if the Maories turn their lands to account in this way, they will not be disposed to alienate them.

6. We would also call your attention to this fact:—Though only three persons should speak to your Commissioners for purchasing land, they consent; and although the majority of the people go to protest against the words of those three, your Commissioners will not listen to them.

7. Again. The law of England does not permit of the Church of New Zealand being endowed with native lands.

8. Those who are unwilling to part with their lands are looked upon by the Government as bad men. Enough upon this subject.

9. We will not refer to what is said in the 9th clause of your speech referring to the assistance rendered by Waikato to Wiremu Kingi in his war against the Queen.

These are my sentiments in reference to that subject. Had you refrained from sending for reinforcements to Port Jackson, and elsewhere, to assist you in fighting Wiremu Kingi, then what you said

(with reference to Waikato) would be correct. Had you looked only to the Pakehas in New Zealand to carry on the war against Wiremu Kingi (then what you say would be right), you have sent for Pakehas from abroad to fight Wiremu Kingi, whereas the Waikatos are inhabitants of New Zealand.

10. Concerning the benefits conferred by the Governors on New Zealand. As to the first two Governors we do not see what good they did for us. The laws of England were not explained to us by those Governors. Under Governor Grey's administration the laws of England were for the first time made clear in this island. He caused roads to be made, hospitals and schools to be founded, and Maori magistrates to be appointed.

11. It was the practice of Governor Grey to pay visits to the Maories. Though there might be only twenty or thirty residing at their settlements, Grey would be found there urging them to cultivate the soil and to do many other useful things. That was his constant practice.

12. From the time of your arrival up to the present we have not yet learned what are the thoughts of the fourth Governor. The first thing that we hear of your thoughts is your being at war with Wiremu Kingi, and your haste in sending soldiers to Waitara to fight. That is what we nave heard concerning you, even your great haste to send soldiers to fight Wiremu Kingi; therefore we are alarmed at these indications of your thoughts.

(Signed) Na Wiremu Tamihana Te Neke,
Na Te Manihera Matangirhau,
Na Hemi Parae.
Na Terira Porutu.

To his Excellency the Governor.

Reply from Ngatiawa, No. 2.

Friend, the Governor, July 16, 1860.

Salutations to you! This is what I have to say to you. I did not witness the arrival of Governor Hobson, but I saw his Waitangi letters. It was about the year 1840 that that "Runanga" commenced. He said, "I am sent here by the Queen to protect you; let our thoughts be united. I will take steps for putting an end to all evils." His words were very right, but afterwards it became evident that his declaration did not apply to us. For instance, when one Maori was murdered by another, the Governor said, "I am not able to interfere to punish such offences."

I will also say this to you, and your Pakeha friends:—The origin of the evil in Governor Fitzroy's time, that is to say, the evil of Ngapuhi, was the flag. They had bought "New Zealand" (name of N. Z. flag), that is a flag for New Zealand, of Mr. Williams, when a captain of a vessel named "Nepia" arrived and planted the flag of England. The evils in this island towards the Pakehas date from that time; and when land began to be sold, evil immediately commenced. The Governor and his people acted wrongly, and so also did the Maories, but the fault was principally with the Maories themselves. The Governor's (fault) was his haste to stand up (make war). On this account I am grieved at the unnecessary sacrifice of the property and lives of the Pakehas, but it is only your own work, O Governor! You have been similarly engaged in your own country. The Maori people, moreover, do not know how numerous you are. This I say to you, O Governor! This will be the end of our misunderstandings, that is, of land being bought without the knowledge of persons appointed by you as members of "Runanga." They will all assemble at the place and make inquiries among all the parties concerned, and if it be found that the party wishing to sell has an exclusive title, that land may be bought by the Governor. This would, perhaps, be a good plan to go upon, but you must decide as to its merits.

This is my word to you, that you should look to the welfare of your people, and that you should treat them kindly. On our part, our words shall be these, "Let every soul be subject unto the higher powers, for there is no power but of God." My rule is, O Governor! that man should perform his duty to God and his duty as regards the things pertaining to this life, such as providing sustenance, and being industrious in useful pursuits.

I have another word to say to you, O Governor! let persons be appointed in each tribe to superintend the sub-divisions of land, so that when there is a dispute they may take steps to get it amicably arranged. Those persons appointed by you would investigate the title; as, for instance, if it were a question requiring that the line of descent from some ancestor should be traced, and it were found that both parties were entitled (had claims) to the land in question, it would then be right to divide that land. This is also a word of mine to you with reference to the land apportioned by you for the Maories, whose names are written in the deed. I am thinking that each man should have his allotted portion given to him, whereas the land is now held in common. These are some of the causes of complaint amongst the Maories.

This is also a subject upon which I wish to speak to you, viz., the purchase of Taranaki. Its sale by Tuarau was quite right, inasmuch as we had deserted the land, and he went and took it out of the flame of the fire of Waikato, and then returned to Port Nicholson. I came to Taranaki, and after I had been there about two years a party of the Waikatos came to make clearings for themselves at Waitara. When I saw that they had come to plant, I went to meet the Ngatimamiapoto. On my arrival there, Pakaru stood forth and made a speech, but I did not reply. We went on to Ngamatu, thence we returned to Kawhia, I being one of the party. When I next went in company with the Reverend Mr. Creed of Taranaki (the Ngatihinetu, Ngatimamiapoto, and Waikato tribes had returned), I did not see any great number of our people there; only a few of us were there when the clearings were burnt off. We set to work at once, and sowed them with turnips, lest Waikato should return.

It is ended.

(Signed) Na Epiha Karoro.

His Excellency the Governor.

NEW ZEALAND.

REPLY from NGATIAWA (AWA-O-TE-ATUA).

MY FATHER, THE GOVERNOR, Kohimarama, June (July?) 14, 1860.

SALUTATIONS to you! I have arrived in Auckland, and have seen you. I have heard you words. They are very good. I appreciate them very highly. Therefore, O father! I am greatly rejoiced at this expression of your views and intentions. Still, O father! there is something wrong. I refer to these two things—the Taranaki affair and the proceedings of Waikato.

This causes doubt in the mind, for I am a Maori. With reference to the proceedings of Waikato, had the course you are now following been adopted sooner this project of Waikato would not have stood. It was because you had no remedy for evils arising among the Maories themselves that some of the tribes have sought by means of this King project to create an authority which should deal with these evils of the Maories connected with their lands and everything else. Now, hear me! I have not joined myself to you, neither have I joined myself to the King. I have been standing aloof from both hitherto, but now I intend to join myself to you, and everything I have. For now only for the first time have I heard your name; now this very day. I have no other thought than to approve and to make good your words. Enough!

From me, from your friend,
(Signed) TE MAKARINI,
of Ngatiawa, of Te Awaoteatua.

His Excellency, the Governor,
Auckland.

REPLY from NGARAURA.

FRIEND, THE GOVERNOR, Kohimarama, July 16, 1860.

SALUTATIONS to you! Hearken now to my words! I will not participate in the misdoings of other people, but should another do that which is right, I will take part in that good work. If it be evil, neither I nor my tribe will have anything to do with it. My people said to me:—Go, seek that which is good from the Governor, that you may hear the correctness or otherwise of the reports which have come to us. If you see anything good, bring it as a treasure for us all.

Friend, the Governor,—Let kindness appear towards me and my people, as well as to my Pakehas. Let a letter be written by you to (Major) Durie and (Colonel) Wyatt, that they may be kind to me and my people. Let a letter also come from you to us during each year and month to encourage us.

This also is another of my words:—I do not like the schemes which are being devised by some, rather do I prefer those works which have been appointed by God, and the Queen, to carry out all the days of my life.

Friend, the Governor,—this is also another word of mine:—Let the restrictions on the sale of powder and shot be removed, that we the people who are belonging to the Government, may buy. In the case of those who are disaffected to the Government, the restriction should be in force against them.

Friend, the Governor,—Confirm this word of mine to you.

This is all I have to say to you.

From me,
(Signed) PEHIMANA MANAKORE,
of Waitotara, Pakaraka.

I now address you on another subject. Mr. Churton, a Pakeha, now residing at Whanganui, is the person we should like to have appointed for us.

Friend, the Governor,—Consent that we may have Mr. Churton as a person through whom we may communicate.

Let a good house be built at Whanganui; do you give directions about this. Be pleased to confirm these words of mine to you. Enough!

(Signed) NA PEHIMANA MANAKORE,
of Waitotara.

His Excellency the Governor.

REPLY from NGATIPIKIAO.

FATHER, THE GOVERNOR, Kohimarama, July, 1860.

SALUTATIONS to you! On the 10th day of July we assembled before you to listen to the statement of your views and intentions, and we have seen that they are good. Enough upon that subject.

Father, the Governor,—we have assented that the Queen shall be our protection in this our island of New Zealand, to guard us against the evil desires of the world. Father! we here attach ourselves to the Queen, who is the source of our wealth; but as to foolishly acknowledging this Maori King, we will not agree to that, for this reason, that we have experienced great kindness at the hands of our Queen and of our Governor. Father! we will faithfully adhere to the Queen as a protectress for our children. Father! we are not able to speak to all the points you have set before us in the address. We can only say what we have already said. And now, O father, Governor, we salute you!

This is all we have to say to you.

TE RIRI TUKU TE PUEHU,
REWI.

To his Excellency the Governor,
Auckland.

Reply from Ngatiraukawa.

(Kolimara.)

Friend, the Governor, Otaki (writer's place of abode).

I thank the Queen for the love she has shown in sending the Ministers and Bishops to save this island. On their arrival here they found the Maori people eating one another. By Christianity they were saved. I will say no more about that.

Friend, the Governor,—I do not question the truth of your words, because I perceive that they are right. They are right in as much as there have been many payments made for the land. The wrong now rests with the Maori.

This is to ask you to send a surveyor to survey our lands that there may be no disputing amongst us. I would also speak to you about the flag (kara). Should you become offended at it you will perhaps send the soldiers, and wish me also to become a soldier. I shall not consent, for it was through fear of such an event happening that I came here to you. Should you attach no importance to that flag do you appoint police to protect the stores at Otaki?

I have also a word to say about the wants of the body, that you may let us have powder, shot, and caps.

I have another word to you, O Governor! or rather to your surveyors,—I am going to find fault with those who purchase the land. The fault is here—you have agreed the correctness of our weighing the wheat and potatoes and everything else, but when we express a desire to have the lands weighed, the land purchasers will not consent. This is where you do wrong, you are blinding our eyes with respect to the land.

With reference to what you said at the first, I will mention the forbearance of Ngatiraukawa on the occasion of the fight at Wairau, the arrest of Rauparaha, and the dissentions among the people of Ngatiapa and Paneiri. These are the people who have provoked us, but Ngatiraukawa were not pleased with their deeds.

These thoughts are ended.

His Excellency the Governor. (Signed) Na Te Moroati Kiharoa.

Reply from Parahwau.

Friend, the Governor, Kohimarama, July 14, 1860.

Salutations to you! I have a word to say to you. I am patiently enduring the evils of this world. Some time ago, when my relative fought against the Europeans, I did not stand up. A little later in a dispute about land (Manga-Kahia) we were nigh to death, but we remembered the Government, restrained ourselves, and were saved.

Again, a woman was this time the cause of dissention—she was carried off by Pene; I went to fetch that woman (she belonged to me), but she was detained by Ngapuhi, and in the affair my young relative was killed, but I thought upon the Government not upon this man, and left it to the laws. After this, land (Te Wairoa) involved us in a quarrel, as you are aware. Paikea and Tirarau were at variance; we were again in danger, and again the recollection of the Government caused us to refrain, and we thus saved ourselves.

Therefore, friend Governor,—these are proofs of my forbearance with reference to the evils of the world, and of my respect for the laws of the Government.

Friend, Governor,—the Ngapuhi do not approve of this King, who is being set up; all that we approve of is the name of the Father, the Son, and the Holy Ghost, that is to say, the Queen, the Government, the Law. That is all I have to say.

(A song.)

"No threatening word has ever escaped my lips, &c."

I am, &c.

Your loving friend,

To his Excellency the Governor, Taurau Te Tirarau.
Auckland.

Reply from Parawhau.

Father, the Governor, Kohimarama, July 14, 1860.

Salutations to you! These are my thoughts. Hearken! The root of the evil is, the setting up of a King for the Maories. Another is war, and another is land. That is Wiremu Kingi Te Rangitake's pretext. Another evil is,—the joining of other tribes in Wiremu Kingi's war; and another is,—other tribes joining the Maori King. Here are two roots (or causes). These cause perplexity and are unauthorized. It is stealing the love of God and the love of the Queen from the people of New Zealand. This is a robbery committed in time of peace, and under the protection which the Queen has extended to the people of New Zealand. It is trampling upon the kindness of the Queen to the Pakehas who have grown up in New Zealand, and to the Maories who have grown up under the kind care of God and of the Queen.

Father, the Governor, salutations to you! If a man persists in kicking at the law, or in trampling upon the law, the law says, let him die. This letter is finished.

Your loving Son,

Te Manihera Te Iwitahi,

His Excellency the Governor. of Te Parawhau Whangarei.

NEW ZEALAND.

REPLY from TAPUIKA.

FRIEND, THE GOVERNOR, Kohimarama, July 13, 1860.

HEARKEN to my words! There is nothing left for me to say more than what I have already said in my letter. I have said that I desire peace, and that evil will be forsaken by me. My desire is toward God, who caused the sun to shine on New Zealand. If He find any fault in me I myself must suffer. My desire is toward the Queen. Her goodness consists in this:—the evil man is punished when his offence is proved; he himself suffers the penalty for it, and the good man is protected.

Friend, the Governor!—this is my word to you:—Make peace with your enemy, Wiremu Te Rangitake. If peace is made between you, then will the words of the Governor's address at the commencement of this conference be fulfilled. I refer to these words:—"That the two races of New Zealand may prosper." Take no notice of that (Maori) King. Know this, it is like one dog snarling at another who is in possession of food coveted by both. Another comparison is, Satan; for Satan calls himself a God.

Now, therefore, O Governor, hear my words! Should any one interfere with me in the possession of my piece of land, I will refer the matter to the magistrates. It is my wish to do the same with regard to everything belonging to me; and whether the parties concerned be Maori or Pakeha, let all matters be submitted to a regular tribunal. This is all I have to say to you.

(Signed) MOIHI KUPE.

His Excellency the Governor.

FATHER, THE GOVERNOR, Kohimarama, July 16, 1860.

SALUTATIONS to you! This is my word which I send that you may view it; and although it may not be correct, it will nevertheless have come before you. It is this: you have commenced to explain matters to us, to the Maori chiefs; continue to do so every year. If this is to be the only time, this day in the year 1860, then the light that shines from the candle set up in this dark house will cease at once. I say, will it have any effect or not? I say, therefore, let this be done every year, lest these sheep should stray, which are now gathered under your wings, and under the wings of the law. Enough of that word. Here is another: I think that some of the Ngapuhi Maories should take part in the administration of justice, and in all the matters dealt with by the English "Runanga." I think that some of the Maories who are competent should take part in that work.

This is a word on another matter:—In selling land, we receive but a small price per acre, namely, two shillings per acre for the good portions, and sixpence per acre for the inferior. This causes dissatisfaction. The heart is not content with that price: enough upon that. This is another word, Father!—I sought in vain, O Governor! to detect a fault in your words. I could not find one. This is what I saw: this belt which you have belted round these Maori chiefs. Consider carefully what the "Runanga" understands about it; this belt or bond of union will not break. Had it been a Pongi belt, which you had bound tbese chiefs with, it might break; but as it is a belt of gold, I say, it will not part. Another thing: the Treaty of Waitangi has been brought forward, and I say, therefore that the Ngapuhi have come under yonr wings like chickens. Heke's doings covered over those words at Waitangi; but that was nothing. The thatch had scarcely blown from your house, when it was replaced, and all made right; and the goods in the house were saved. You have made known in the midst of this "Runanga," the treasures conferred upon us by Governor Hobson, in the treaty of Waitangi. This letter is concluded.

Your loving son,
WIREMU POHE.

To his Excellency the Governor, Auckland.

REPLY from NGATIWHATUA, No. 1.

FRIEND, THE GOVERNOR, Orakei, Aukland, July 17, 1860.

SALUTATIONS to you! This is my idea about this conference which you have convened, to discuss matters connected with the welfare and advancement of the two races dwelling in New Zealand. This is to give you my opinion on the subject. In days gone by the Maori people lived in a lawless manner; when the missionaries came, the Maori people embarked in the canoe of Christianity; afterwards came the law of England, and this was added as a wash board (or upper plank) to Christianity. Here were two things; and both were good, in my opinion. I am now seeking for the taka and aukahas (the strip of wood that covers the joints of the side plank, and the cords that fasten it); that is, for love and for the union of these two races. In one respect it (union) is complete, but in another it is not yet so; I allude to guns and powder, which are closed to the Maories, but open to the Pakehas. I am not finding fault with you; I know your thoughts on that subject.

Another thing is,—the lands of the Maories which have not yet been sold to the Governor. I have considered what is said in the ninth clause of the address referring to protection of property; I am of opinion that some of such lands might be handed over to your charge, but that others could not.

The question will therefore have to be left for each tribe or individual to act as he may think fit; but I do not think that the Maori lands could be settled in this way, because if we sell them to the Government we shall not be able to buy them back again for ourselves. The portions of land which are returned by the Government to the Maories all go to the chiefs only; the inferior people wander about without land to cultivate. Or if it be said that each man should retain his own land, he would not be able to keep it; the chiefs would sell it; the owner would not be able to retain it, through fear of the chiefs. Nor can the money received in payment for land be expended in the purchase of other land, lest the many should come and occupy the newly purchased piece. I do not refer to lands which have been properly disposed of to you. It is for the above reason that I say, let this man who has been set up by the Waikatos remain to be a friend to the poor (or inferior persons), lest they suffer from the grasping propensities of some of the chiefs; I refer to my own tribe, the Waikato; let both the chief and the poor person live. Do not you, however, either agree to it (the King movement), or (try to) suppress it, so that if it prove a failure you did not agree to it, or if it turn out well you did not condemn it. According to my foolish thoughts also, what the Waikatos are now doing is partly good. My reason for calling it good is the principles laid down by Potatau; he is dead, but his word still lives: "Hold fast to Christianity, to the law, and to love; of what account is anything else?" These were the parting words left by Potatau: "After me, be kind to the white skin and to the black skin." And these were not merely words spoken by him (during his life); he acted upon these principles; ears have heard and eyes have seen it. Produce (from Waikato) is still brought to town for sale to their Pakeha friends in the same mannner as before the setting up of the King. In the month of March or April in the year 1860, some of the Waikatos proposed to attack and destroy Auckland, but their scheme was condemned by Potatau and by the majority of the Waikato chiefs; in consequence of which those men went to Taranaki to fight the Queen's soldiers, on the pretext of escorting the Negatiruanuis lest they should be killed by the Pakehas when passing through their territory. It was they also who raised the false report which you heard, namely that Ihaia and the Pakehas were lying in wait at Parininihi (white cliffs) for the Ngatiruanui. Potatau, however, was suspicious lest those people should stay at Taranaki to fight against the Queen. When they were on their way, Rewi was sent to be their guide. When they reached Parininihi, Revi proposed that they should leave their guns there, and that they should proceed unarmed. They would not listen, and Rewi returned. The principles declared by Waikato at Paetai, and which were confirmed at the great meeting at Ngarnawahia were these: The Maori King, and his symbol, the flag, were to be set up upon a foundation, the nature of which was explained by Potatau at the Waiuku meeting. It was to promote peace throughout New Zealand, which was to be attained in this manner: In case of war occuring in any part of this island, the ministers with disinterested Maori and Pakeha chiefs should interpose to suppress it, and arrange the matter in dispute. The passions of the parties concerned in the dispute would be too much excited to allow justice to done. It was not attempted to provide for cases in which you might be a party concerned; it will be for you to tell your Maori friends (what is to be done). Waikato is now waiting for a word from you to go to investigate the question of the land. It is impossible to believe the two statements made. The Pakehas say that the land is Te Teira's only; the Maories say it is partly William King's. It is therefore thought that it would be well to send some Pakehas and Maories, just men, to examine (into the case). This is all.

From your friends,

His Excellency the Governor. Retimana Te Mania.

Wiremu Hopihona Te Karore.

Reply from Ngatiwhatua, No. 2.

Friend, Governor Browne, Orakei, July 17, 1860.

Listen to us, whilst we speak to you, and explain our views and sentiments! They are the same as in time past even from Governor Hobson's time down to your own, the present. We have always firmly adhered to you and to the Queen's sovereignty. Do not suppose that we are holding to the New Zealand customs. It is not so; for it was we who called you as a great and powerful people, to establish yourselves on our lands on the shores of the Waitemata, that you might be a parent to us, and that we might be your children. We are in a peculiar manner your people and part of the nation which the Queen reigns over. Now, therefore, our system shall not be a different one from yours, for the town is one, and the offences committed here by the Maories, the law will punish. It is for this reason that we so strongly press upon you with reference to the thirteenth clause of your printed address, where you say that it is ignorance of the English language which excludes the Maori from your councils, and assisting in framing laws for the Maories and Pakehas.

Hearken! Although unacquainted with the Pakeha language, yet allow your friends, the Maori chiefs, to enter your councils, for we have many Pakeha friends who can speak Maori, to translate into English and Maori what is said in the council. By this means we shall have one law and one way of proceeding for the Maories and Pakehas, for the Maories are a numerous race, and have many ways of proceeding. This is another subject, the Waikato movement. Hearken to us; the fault is your own. Some time ago we informed you of its commencement, and that Potatau was set up as a king. You answered that you did not believe in it, and that it was mere child's play; but if all this island were to acknowledge it (the Maori King) then you would believe in it. You return beyond the seas, and this island is covered with flies (? waves); your fault is this: had you extinguished it (the Maori King movement) some time back, it would have disappeared ere this.

Friend! why should we concern ourselves about that upstart project; we must treat it with contempt, and altogether ignore it. Had many tribes joined in supporting that piece of unwarranted presumption, then we might think it worth our consideration. This is another subject: it is to ask you who it was that separated us, the Pakehas and the Maories. Was it the Maori or was it the Pakeha? We consider that you have done so, for they are your councils which enact laws for the people, and also for that which is used to shoot birds which are food for the people.

NEW ZEALAND.

Hearken! these things (arms and ammunition) must be left across the seas (if they are to be kept from the Maories). The Maories and Pakehas do not fear the law. The Maories and Pakehas are buying and selling guns and powder at the present time. The Maories are drinking spirits at the present time, and do not regard the law. It would be better not to have these things here, in our island of New Zealand, lest they should become a cause of dissention between us.

We have also this request to make to you:—Let Crown grants be given by you to us, the Maories, though the land be our own, for we have entered under your wings, we have become one under one system. Should you refuse grants, this will also be a cause of separation between us, the Maories and the Pakehas.

This is another subject:—Let not the lands be bought carelessly, but let them be surveyed by the Surveyors of the Government. Let the lands be advertised for three months before purchasing them, that the Pakehas and the Maories may see, and let the sellers themselves point out the boundaries.

When the lands are surveyed and the notices published in the newspaper you, the Governor, give us a paper authorizing the sale of those lands, and when we receive that paper we shall be at liberty to sell the land as we please in the same manner as wheat and potatoes are sold, as we please; that we may be upon the same footing as the Pakehas, having one law for the guidance of Maories and Pakehas that we may be like the Pakehas who dispose of their lands to one another.

We would also speak about what you said in reference to invasion by a foreign nation, that is, that you would oppose the enemy alone. Hearken now; should any one come here to attack our town, we will be ready to die with you. We say this because we have lately heard, since we went to make peace with Te Tirarau, that Waikato had proposed to attack this town, and that they were only restrained by the firmness of Potatau. It was vexation at being prevented from carrying out their design, which caused them to go to the assistance of Te Rangitake, to fight against the Queen.

This is another subject:—I speak of the errors of the Maories:—The land is a causer of strife. It must be arranged by you and by the Maori chiefs. You must also deal with cases of murder, where one Maori kills another, such as those which have lately occurred, but which have been dealt with. There are also offences in connection with woman; we must also find means of dealing with these. You must not say that we alone must see to this matter; this will not be right, we must work together.

Enough! From us, from your loving friends, from the "Runanga" at Orakei, Auckland.

(Signed)

Na Paora Tuhaere.	Na Taare.
Na Te Keene.	Na Hunia.
Na Mai.	Na Paramena.
Na Te Reweti.	Na Paora Kawaru.
Na Te Wiremu.	Na Te Karu.
Na Reihana.	Na Arama Karaka.
Na Te Keepa.	Na Te Wirihana.
Na Eruera.	Na Tautari.
Na Te Hapimana.	Na Te Warena.
Na Maaka.	

REPLY from NGATITAMA.

FRIEND, Mr. M'LEAN.

I FIND no fault with the Governor's Address. I consider that his words are perfectly right. We are not able to criticize, or say that they are wrong. This is what I am thinking. I have not as yet heard any good words from any of the chiefs whom you and the Governor have called hither. This is my word; hearken, both of you. What I desire is, that you should urge those whom you have appointed to the conduct of affairs to be diligent, and that you should continually remind them of their duties, year by year and month by month, that they may not continue ignorant, but that they may zealously emulate their elder brethren the Pakehas; and do not you let them be few in number, but let there be many of them, that the voice of each, some one or other, may strengthen their work. By this means will the people be drawn to your good things, O Governor. This is what I desire: That some regulation should be made for my place, commencing at Whakahu (Nelson), and reaching far as Aorere (Massacre Bay). I say also, let me frequently hear from you, that I may be put in remembrance, year by year and month by month, lest I work long by myself (left to myself) I should forget (my duty). While his supporter be at hand a man will not be idle.

Enough!

(Signed) NA WIREMU TE PUOHO.

REPLY from TUHOURANGI.

To the Governor.

FRIEND, Auckland, July 16, 1860.

THESE are the sentiments of this tribe, the Tuhourangi, which we will now state to you. You have said that both the irrational and the good thoughts should be expressed.

The first thing (we will speak of) is our doubt about the difficulty between you and Wiremu Kingi.

We think that you were too hasty in applying your lash to William King. Your error was in not following the precept given by Paul to Timothy in his second epistle, 4th chapter, and 2d verse: "Reprove, rebuke, exhort, with all long suffering and doctrine." Had you corrected him according to this rule, all would have been clear, inasmuch as he is the son, and you the father and the interpreter of the law relating to secular matters. We now greatly desire that peace should be made between you and William King. If you comply with our request for peace, it will be agreed to by those who are implicated in these troubles, and the minds of all having the same object in view will be at rest. This is our view respecting this matter about which we are now in doubt.

The second thing is our view with reference to the Maori King. We do not agree to this thing, because it has no foundation. Our ancestors knew no kings (over them). This is the reason we know nothing about this unprecedented thing. Our decided opinion respecting it is, that it should be brought to nought. The way to do this, and to put down that King, will be to close the channels of wealth. When cattle, wheat, pigs, and other produce are brought (to market) they should not be bought, and they would thus be prevented from obtaining money, to be devoted to making their King great; rather let them remain poor. It will be for you to establish this rule in the towns, and for the traders living in native districts. It will also be necessary to give some mark of distinction to the people who acknowledge the Queen, that the Europeans may know them when they come to sell their produce. If you can act upon this suggestion of ours it will not be long before this Maori King will come to nothing. This is all upon that subject.

This is the third subject, upon which we will now express our sentiments to you. Firstly, it is to you that we owe the introduction of Christianity, which was generally embraced by us because we perceived its excellence, and the salvation of soul and body in our Lord Jesus Christ. Secondly, it was through the Gospel that all the tribes became united in heart and mind. Afterwards came the law of the Queen, which we at once assented to, perceiving in it a means of settling differences connected with temporal matters, as it would be left for the law to clear away these difficulties.

As evidence of our tribe having accepted the Queen's Government, we point to our assessors, and to the Runangas which have been established among us to represent and administer the law, that henceforth we may not do what is wrong, but that the law may deal with future offences, in order that our minds may be at rest and free to attend to our spiritual concerns.

Our words in reply to your address end here.

From TUHOURANGI.

To Governor Browne.

REPLY from NGAPUHI, No. 3.

SIR, THE GOVERNOR, Kohimarama, July 14, 1860.

SALUTATIONS to you! Oh, Pakehas and Maoris, listen! I am seeking to find the fault of the Governor, and have not seen it, night nor day, during the whole term of this meeting. Is he in the wrong about land? No! it is a falsehood to say so. Mr. McLean and Mr. Henry Kemp have been appointed as purchasers of land. Is it the same thing as buying and selling at a store; so it is with these lands. The Maories themselves desired to part with their lands to the Pakehas. It is not taken from them by the Governor or by the Pakehas. No! So also it is their own thought to set up this Maori King, but it will not succeed. Its origin is mere boastful pride. It is wished that the sovereign power of the Queen should be lessened; but, no, it will not be lessened, for there was no king of this island in the olden time, all the chiefs were equal; and now, at the present time, they are trying to find some means of putting down the power of the Queen. When Governor Hobson arrived at the Bay of Islands at Waitangi he proposed returning to England, but every one of the chiefs said, "No! but come and live at the Bay of Islands." Hone Heke also consented, but afterwards Satan entered into his heart. He cut down the flagstaff, and attacked the Europeans. Waka then rose against him. Afterwards the Pakehas, with Waka and his people, fought with him. Before long peace was re-established. It was not like Te Rangitake's proceedings. His plan is to murder. This is very bad. My heart pronounces this a great crime, and my head aches with disgust at this work.

It is like the sin of Ngapuhi to the Pakehas by Matetakahia.

When the Pakeha was killed, Waka rose against Matetakahia, and Ngapuhi did not resent it. Before this, a long time ago, another tribe committed an offence, and they absconded. The Pakehas visited it upon my ancestors, and Moira was killed; I then took vengeance on the Pakehas. My ancestors also avenged themselves on the Pakeha. Waka next rose against Kiri, and Napuhi said nothing against it. These are all the crimes I know of. The fault was with the Maories; with Ngapuhi, not with the Pakehas. Enough of these words. Friend, the Governor, I do not approve of this Maori King, but I wish to honor the Queen and the Governor. I understand your words; you wish peace to be maintained under the Queen's rule, and that we may all live in an orderly manner and in quietness under one protecting power. It is well to wipe away your offences. This is my idea about this meeting. We wish to swear truly to our words; look well at these words. If you and Rangitaki fight, and if any man from this meeting joins Rangitaki in the war he will have broken his word now spoken. I do not speak of the Ngapuhi. We mean to sleep (remain quiet) for ever and ever. Amen!

From your affectionate friend,
TANGO HIKUWAI.

Enclosure 2 in No. 39.

Encl. 2 in No. 39.

MESSAGE No 1.

THOMAS GORE BROWNE, Governor.

THE Governor sends some "rules for the proper administration of justice" to the chiefs assembled at Kohimarama, for their consideration.

These rules have been carefully prepared by their friend Dr. Martin, late Chief Justice of New Zealand.

Government House, July 16, 1860.

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Encl. 3 in No. 39.

Enclosure 3 in No. 39.

MESSAGE No. 2.

THOMAS GORE BROWNE, Governor.

IN his opening speech the Governor assured the chiefs assembled at Kohimarama that the treaty of Waitangi will be maintained inviolate by Her Majesty's Government. He now invites them to consider the difficulties and complications attending the ownership of land, and trusts they will be able to devise some plan for removing or simplifying them.

It is well known that nearly all the feuds and wars between different tribes in New Zealand have originated in the uncertain tenure by which land is now held. Very many disagreements would in future be avoided if the possession of land from any fixed date, say 20 years, were recognized as giving the possessor a good title.

Such a limitation would be in accordance with the law which prevails in England.

It is very desirable that some general principles regulating the boundaries of land belonging to different tribes should be generally received and adopted; for until the rights of property are clearly defined, progress in civilization must be both slow and uncertain. When disputes arise between different tribes in reference to land, they might be referred to a committee of disinterested and influential chiefs, selected at a conference similar to the one now held at Kohimarama.

There is also a simpler plan universally adopted in Hindostan, which appears well suited to the circumstances of New Zealand, viz., when men cannot agree as to their respective rights, each party chooses two persons, and these four choose a chief of another tribe, having no interest in the matter disputed. Then the five sit in judgment, and decide who is right and who is wrong; but before they pronounce judgment, both the contending parties solemnly engage to abide by it.

The Governor earnestly desires to see the chiefs and people of New Zealand in secure possession of land which they can transmit to their children, and about which there could be no dispute. Some land might be held in common for tribal purposes; but he would like to see every chief and every member of his tribe in possession of a Crown grant for as much land as they could possibly desire or use. When a dispute arises about a Crown grant, the proprietor need neither go to war, nor appeal to the Government: he can go at once to the proper Court, and if he is right the judge will give him possession, and the law will protect him in it.

Tribal jealousies and disputes, however, interfere to prevent individuals from obtaining Crown grants; and they will continue to do so, and cause quarrels and bloodshed, until men grow wiser, and learn that the rights of an individual should be as carefully guarded as those of a community.

It is essential to the peace and prosperity of the Maori people, that some plan for settling disputes about land should be adopted; the Governor, therefore, hopes that the chiefs will consider the subject carefully and dispassionately, and assures them that he will gladly co-operate with them in carrying into effect any system that they can recommend, provided it will really attain the desired end.

Government House, July 18, 1860.

Encl. 4 in No. 39.

Enclosure 4 in No. 39.

MESSAGE No. 3.

THOMAS GORE BROWNE, Governor.

MANY of the chiefs assembled at Kohimarama having expressed a wish to be correctly informed of the events at Taranaki, the Governor has instructed Mr. M'Lean to relate truly all that has occurred.

The chiefs will learn from him that many of the Maories in that district had earnestly desired the Governor to put an end to their bloody and disgraceful feuds, which constantly endangered the peace of the district, destroying many of their own lives, and endangering those of the Europeans.

In compliance with their urgent request, the Governor declared his intentions at a meeting, at which William King was present, in March 1859; but William King, supported by men opposed to the sale of land, trampled upon his words, and assumed to himself the right of forbidding other chiefs to do what they please with their own.

William King was present when Teira made the offer and described the boundaries, also when the money was paid to Tiera, and did not urge any claim to share in it; but he drove away the surveyors, and when asked to meet the Governor, and declare what claim he had upon the land, or what right he had to interfere, he refused to come, and when the land was occupied by the Queen's troops he built a pa upon it, and obstructed the road. Even then he was allowed to go in peace, the pa being destroyed. Not satisfied with this he built a second pa, which was destroyed; and now he has built others, and remains in arms against Her Majesty.

The chiefs will therefore see that it was not the Governor who commenced the war or desired it, but William King. All this, however, will be related in full and explained by Mr. M'Lean.

Government House, July 19, 1860.

Enclosure 5 in No. 39.

Encl. 5 in No. 39.

MESSAGE No. 4.

THOMAS GORE BROWNE, Governor.

THE Governor has instructed the Native Secretary to explain to the chiefs assembled at Kohimarama the nature of mixed juries, and desires to know their views and wishes when they have well considered the subject.

Government House, July 24, 1860.

Sub-Enclosure in Message 4.

Native Affairs.

Auckland, July 24, 1860.

HIS Excellency the Governor having called upon his responsible advisers to express their opinion as to the advisability of a measure for the introduction of juries composed of an equal number of Europeans and natives, for the trial of natives on criminal charges, his Excellency's advisers have to state that the inclination of their judgment is in favour of such a measure.

The natives are virtually though not technically foreigners, and are primâ facie entitled to the advantages extended by the English law to other foreigners in the jury de medietate linguæ. This has been long recognised, and the formation of mixed juries provided for, by the colonial legislature. But practical difficulties arising out of the low social state of the Maories have hitherto been supposed to make the jury de medietate a questionable benefit either to the natives themselves or to the country. Their tribal divisions and ancestral hatreds have in particular been considered to constitute obstacles. It has been thought that a fair trial could not be secured if the accused were tried by natives of other and possibly hostile tribes; whilst, if members of the defendants' own tribe were allowed to sit on the jury, convictions would become impossible, and the ends of justice be defeated.

The diminution of hostile feeling between tribe and tribe, due to a state of comparative peace, to the increase of the European population, and to the advancing civilisation of the natives themselves, has lessened the force of these objections; and the obvious fairness of the principle of mixed juries is so great a moral advantage, that, as already stated, ministers believe that the time has come for its introduction. It will be observed that the adoption of the institution is entirely in accordance with the spirit of the legislature on native affairs of the late session of the General Assembly.

The existing law upon the subject of mixed juries ("Jury Amendment Ordinance 1844," Leg. Council, Sess. 3, No. 2, Cl. 1.) appears technically defective, so that further legislation would probably be necessary. But before any measure is introduced in the General Assembly, ministers recommend that the subject be brought before the native meeting at Kohimarama, that the difficulties which have stood in the way of the introduction of mixed juries be fully explained, and that the sense of the meeting be taken upon the question, whether such juries would be practicable and would work well.

(Signed) C. W. RICHMOND.

Enclosure 6 in No. 39.

Encl. 6 in No. 39.

RESOLUTIONS adopted by the KOHIMARAMA CONFERENCE, 10th August 1860.

1. Proposed by Paikea, and seconded by Te Manihera Ruia:—
"That this conference takes cognizance of the fact that the several chiefs, members thereof, are pledged to each other to do nothing inconsistent with their declared recognition of the Queen's sovereignty, and of the union of the two races; also to discountenance all proceedings tending to a breach of the covenant here solemnly entered into by them."

2. Proposed by Wiremu Nero Te Airaitaia, and seconded by Hamiora Matenga Tu:—
"That this conference is of opinion that the project of setting up a Maori King in New Zealand is a cause of strife and division, and is fraught with trouble to the country."

3. Proposed by Winiata Pekamu Tohi Te Ururangi, and seconded by Perenara:—
"That this conference, having heard explained the circumstances which led to the war at Taranaki, is of opinion that the Governor was justified in the course taken by him; that Wiremu Kingi himself provoked the quarrel, and that the proceedings of the latter are wholly indefensible."

4. Proposed by Wiremu Tamihana, and seconded by Manihera Matangi:—
"That this conference deprecates in the strongest manner the murders of unarmed Europeans committed by the natives now fighting at Taranaki."

5. Proposed by Tamihana Te Rauparaha, and seconded by Mete Kingi:—
"That this conference desires to thank the Bishop of New Zealand for his kindness in allowing them the use of the buildings at Kohimarama."

6. Proposed by Wiremu Paten Whitirangi, and seconded by Ramiora Matenga Tu:—
"That this conference desires to thank his Excellency the Governor for his goodness to the Maori people; that is, for his constant kindness and love towards them; and also for granting them this great boon, the Runanga, whereby they are enabled to express their views, and to propose measures for the settlement of the difficulties which arise among the native people."

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7. Proposed by Te Makarini Te Oka, and seconded by Tamihana Te Rauparaha:—
"That this conference desires to thank their friend Mr. McLean for his great exertions on their behalf, and for his kindness to the natives of the Island of New Zealand, and to assure him that if he should ever leave this country he will never be forgotten by this Runanga. Never, never!"

(Signed) WIREMU NERO TE AIRAITAIA.
(And 105 others.)

We agree to these resolutions, with the exception of one, which is not clear, and from which we dissent, viz.;—
"Resolution 3.—That this conference, having heard explained the circumstances which led to the war at Taranaki, is of opinion that the Governor was justified in the course taken by him; that William King (Te Rangitakae) himself provoked the quarrel, and that the proceedings of the latter are wholly indefensible."
This is the resolution from which we dissent.

(Signed) WIREMU TAMIHANA TE NEKE.
TE MANIHERA MATANGI.
EPIHA KARORO.

Encl. 7 in No. 39.

Enclosure 7 in No. 39.

MY FRIENDS, CHIEFS OF NEW ZEALAND,

AT this conference chiefs from all parts of New Zealand have for the first time met together. You have received from me renewed assurances of Her Majesty's regard for your welfare, and you have heard the guarantees given in the treaty of Waitangi repeated on Her Majesty's behalf.

Various matters upon which you were imperfectly or incorrectly informed have been explained to you.

Your attention has been directed to the necessity of some better provision for the administration of justice in native districts, and a code of rules prepared by Dr. Martin (the late chief justice of New Zealand) has been submitted to you.

You have been invited to consider the subject of mixed juries in cases of murder where persons of the Maori race are concerned.

Suggestions have been made to you for defining tribal boundaries to land, and securing individual titles, with the view of removing many of the difficulties at present surrounding native title.

The English law of succession to property, and the manner of making a will, as a means of preventing future litigation, have been explained to you.

You have been requested to state your sentiments and wishes freely, and to make known your grievances, in order that (if possible) they might be redressed.

The circumstances which have led to the present disturbances at Taranaki have (at your request) been explained to you; and I think it right to repeat that I was forced into this war by the aggressions of Wiremu Kingi, much against my will; that I desire peace, but it must be peace based on the establishment of law and order, in the place of murder and outrage; peace which will enable the Pakeha and the Maori to live together in quiet, and without fear or distrust of each other.

Nothing affecting the interests and welfare of your race has been concealed from you, and I doubt not you are quite sincere in the sentiments of loyalty to Her Majesty, and friendship to the Europeans, which you have so generally expressed.

I trust therefore that this conference will prove to have been the means of restoring and strengthening confidence between the two races. Convinced of Her Majesty's desire that her subjects should live in peace, you will return to your homes, reassured, and enabled to correct any false impressions which may still linger in the thoughts of your people.

The education of your children, greater attention to the cultivation of the soil, the erection of better houses to live in, and the acquisition of European property, will, I sincerely trust, claim your chief attention when you return to your people.

I shall have great pleasure in reporting to our most gracious Sovereign, that her Maori subjects (in whose welfare she takes so deep an interest) have conducted their first conference in the most orderly and creditable manner, and that they have given ample proof that they are neither wanting in intelligence or good feeling; information which will be very gratifying to her, and scarcely less so to her Pakeha subjects in England, as well as in New Zealand.

A faithful record of this conference will be preserved by the Government, and I am sure that hereafter your children will peruse it with much satisfaction, as a history of the first step towards that self-government which I trust they will comprehend and enjoy.

It now only remains for me to inform you, that the conference will be convened again next year, and the assembly will assist me in devising measures for the establishment of order and for the good of your race generally.

In the interval between the present time and the next conference, I trust you will carefully consider the subjects to which your attention has been directed, in order that you may come prepared to express matured opinions, and to recommend measures for giving practical effect to your wishes.

Farewell, my friends! And may God protect you, and guide you in the ways of wisdom, and the paths of peace.

No. 40.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 89.)

Government House, Auckland, New Zealand,
August 29, 1860.
(Received Nov. 19, 1860.)

MY LORD DUKE, (Answered No. 89, Nov. 27, 1860, page 268.)

I HAVE the honour to forward copy of a Resolution passed by the House of Representatives, after debates which, under various proposals and amendments, lasted during several days and nights.

With a neighbouring Province desolated, and the settlement in which the Assembly is actually sitting by no means safe from attack, it is worthy of note that the House of Representatives should have occupied themselves for so long a time in investigating the most minute circumstances connected with the rights of those who are engaged against us, and with the justice of the proceedings which have led to a collision at Taranaki.

The result is the more satisfactory because no exertion was spared to prove a case in favour of W. King, by gentlemen who, either from conscientious or from party motives, ranged themselves in opposition to the Government.

Archdeacon Hadfield (having allied himself with those members who are known as the Wellington party, whom up to this time he has always hotly opposed) attended the debates, and was examined at the bar of the House. The early history of W. King and his tribe was related, his former services to the Government dwelt upon, his conduct during late years extenuated. Governor Hobson's purchase from the Waikatos (vide Papers E. No. 2., printed for House of Representatives, and enclosed in my despatch No. 81,* of 31st July 1860) was declared to be of no effect. Sir George Grey's instructions to Mr. Commissioner McLean, and his declaration (page 23 of the same papers), were entirely disregarded. Rights were insisted on for W. King which he has not himself urged; his own declaration that the vendors were the proprietors of the land they sold was, in spite of the known habits of the natives ignored on a plea that he was too great a chief to say that the land was his; letters written by the Land Purchase Commissioner, and other means taken to inform claimants that the land was about to be purchased, were declared insufficient, though it was shown that greater pains than usual had been taken to spread the information. Claims were brought forward on behalf of persons absent more than thirty years, who had never urged them for themselves, and who can never substantiate them. W. King's refusal to come and discuss the subject with me personally was justified or ignored. The inferior position of Teira (the spokesman in the negotiation) was insisted on, as if his claim were that alone which had been purchased. Interested motives were attributed to the Minister for Native Affairs; and accusations of suppression and falsification of evidence, founded on written or verbal reports, were brought against gentlemen of the Land Purchase Department, without a shadow of proof, and without leaving a doubt on the minds of impartial individuals of the integrity of those gentlemen.

* Page 91.

In the course of the debate my predecessor, Sir George Grey, was severely blamed for exerting only a personal influence over the natives, which ceased with his retirement from office; and, strange to say, reflections were as freely made upon myself for having pursued an opposite course; the speaker ignoring the difference between a Governor possessing money and power, and his successor possessing neither, and necessarily seeking to establish a system somewhat in accordance with the forms of Government recently inaugurated. In fact no effort was spared to prove that I had not adhered to my own declaration that I would not coerce a minority of proprietors who may be unwilling to sell, and that I had waged an unjust war without even having made preparation for it.

These efforts signally failed; and it was distinctly proved that there was good reason to believe that the purchase of the Waitara would be the most effectual means of quieting the district by putting an end to the feuds by which it has been so long harrassed; that the land had been offered for sale with the greatest publicity, and that due notice of the intention to purchase had been given with equal publicity; that the title of the vendors had been carefully investigated, and proved good; that at the payment of the first instalment, and in the presence of W. King, a written declaration was made reserving the rights, in either land or money, of any possible proprietors who might subsequently come forward.

It is believed that one proprietor may perhaps have a claim to something less than an acre; but he has not preferred any claim, and no act of the Government has barred

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any right which he may possess. He was present at the meeting in 1859, when he violently opposed other offers of land then made, but urged no objection to that made by Teira. The other claimants cited by Archdeacon Hadfield are men who have been absent more than thirty years, and have been stimulated to put forward groundless claims by the agitation carried on by Europeans.

In reference to the war it was also proved that troops were employed only to protect the officers of the Government in the execution of their civil duties; that W. King built pahs, and opposed armed resistance, to which it was impossible the Government could submit; that war was an unavoidable consequence of this resistance, and that no provision for its vigorous prosecution in my power to make had been neglected.

The House of Representative, after patient hearing for several days, and animated discussion, approved the course adopted; and I am well satisfied that all dispassionate persons will do the same.

It appeared in the course of debate that in July 1859, W. King had written to Archdeacon Hadfield, not urging a proprietary claim for himself, but desiring his intercession or interference with me, as the land belonged to the "widow and orphan,"—a vague phrase, the frequent occurrence of which in reference to this question is very significant; that the Archdeacon did not consider the subject of importance enough to make it worth while to communicate with me; that on the 8th September 1859 the Archdeacon assured me that he would inform me of anything he thought it desirable I should know, but did not in any way allude to W. King; that W. King wrote to him still more urgently in December 1859, but that until the letters were brought forward as an accusation in the House of Representatives I had only heard of their existence through a private channel, and not until after war had broken out. It was also shown th at a letter had been written to the Superintendent of Wellington (one of the leaders of the opposition), by natives, expressly for my information, yet that I knew of it only by hearing it had been read in the Assembly.

The letters of W. King to Archdeacon Hadfield set forth no definite claim, yet I cannot but feel that he would better have fulfilled the duty of a loyal subject of the Queen if he had communicated them to me as the writer desired, instead of reserving them for use when he could appear in the character of an accuser.

The Archdeacon asserts that certain natives, not parties to the sale, possess a proprietary claim, but it will be seen that, when questioned, he admitted he was unacquainted with the boundaries of the block purchased; that he had not studied W. King's pedigree or that of the different Hapus of Waitara, by which alone his claim to share with the Hapu in question could be substantiated.

* Not transmitted.

I enclose a report of the last division in the House of Representatives* (19 to 4). The comparatively small number of members voting may be accounted for by the absence of certain leaders of the opposition, who were probably unwilling to commit themselves too definitely against the war; to the absence of two or three members who agreed absolutely with the Government, but did not take the trouble to attend; and to an equal number who recognise the justice of the war, but objected to a portion of the words of the resolution.

In order to secure the accuracy of this Despatch I have shown it to my responsible advisers, and enclose a report of the debates as published in the "New Zealander" newspaper.†

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Encl. in No. 40.

Enclosure in No. 40.

House of Representatives, Auckland,
September 1, 1860.

SIR,

I HAVE the honour to transmit to your Excellency a copy of a resolution of the House of Representatives, passed on the 16th day of August ult. on the subject of the war at Taranaki.

I have, &c.

(Signed) CHARLES CLIFFORD,
Speaker.

His Excellency the Governor.

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† *Vide* Appendix, No. 6, page 359.

EXTRACT from the Journals of the House of Representatives.

Resolved, Thursday, August 16, 1860.

That in the opinion of this House the interference of Wiremu Kingi at Waitara, and his resort to force to prevent the survey of land there, rendered the measures adopted by his Excellency the Governor indispensable for the due maintenance of Her Majesty's sovereignty, and that the welfare of both races of Her Majesty's subjects peremptorily requires a vigorous prosecution of the war to a successful termination.

True Extract.

(Signed) CHARLES CLIFFORD,
Speaker.

No. 41. No. 41.

COPY of DESPATCH from Governor T. GORE BROWNE to his Grace the DUKE OF NEWCASTLE.

(No. 90.) Government House, Auckland, New Zealand, 31st August 1860.

(Received 19th Nov. 1860.)

MY LORD DUKE,

I HAVE the honour to forward a letter from Archdeacon Hadfield, addressed to your Grace, in which he denies that the Memorial from the Natives at Otaki, praying for my recall, originated either directly or indirectly with him.

This assertion is in direct contradiction to the statements of the Rev. Mr. Duncan, Mr. Turton, Resident Magistrate, Mr. Searancke, and others; I have, therefore, forwarded it to them in order that the charges may be substantiated, or the imputations against the Archdeacon withdrawn.

I have, &c.
(Signed) T. GORE BROWNE.

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure in No. 41. Encl. in No. 41.

SIR, Auckland, August 25, 1860.

I HAVE the honour to enclose a letter, and to request that you will oblige me by forwarding through the proper channel to the Secretary of State for the Colonies.

I have, &c.
(Signed) OCTAVIUS HADFIELD.

To the Honourable the Colonial Secretary, Auckland.

MY LORD DUKE, Auckland, August 24, 1860.

I ASK permission to offer some observations upon certain documents presented to the House of Representatives, intituled "Further papers relative to Native Affairs (in continuation of papers presented on the 30th July)." In these papers there are certain statements and insinuations affecting myself, all of which your Grace will observe, rest only on the testimony of one native, Ihakara. I should hardly have deemed them worthy of notice; but as they appear to have been reported to your Grace by the Governor of the Colony as being entitled to consideration, I feel called upon to correct them.

1. It is stated or implied in the Despatches and letters referred to, that the Memorial praying for the Governor's recall originated with myself.
2. That I suggested to some of the Otaki natives the writing of it.
3. That Ihakara had an interview with me, and that I acknowledged having advised the petition, but did not wish my name to be mentioned.
4. That I requested the natives to procure as many signatures as possible.
5. That when the Petition, with a hundred signatures, was shown to me, I strongly expressed my dissatisfaction with the numbers.

I believe that little more can be extracted from these papers. In reply I beg to state—

1. That the Memorial did not originate with me, either directly or indirectly.
2. That I did not suggest to the Otaki natives the writing of it.
3. That Ihakara had no interview with me; that I never said anything to him about having advised the petition, or not wishing my name to appear.
4. That I did not request the natives to get as many signatures as possible.
5. That I expressed no dissatisfaction with any petition whatever.

I beg particularly to call your Grace's attention to the fact, which I mentioned before, that all the statements contained in these papers, namely, those made by Mr. Turton, by Mr. Searancke, and by Mr. Duncan, rest entirely upon the assertion of one man, Ihakara. This man was formerly employed by me as a teacher, and was removed many years ago for reasons immaterial to the present question. Since then he has never lost an opportunity of endeavouring to thwart me. With respect to this man, Ihakara, I beg to refer your Grace to a memorial from certain natives, laid on the table of the House of Representatives, complaining that the transmission of their petition to the Queen had been delayed. Your Grace will observe that in this Memorial, signed by all the leading men of the

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place, the memorialists distinctly assert, that Ihakara, who since declared that his name was affixed to the petition in question under protest, took an active and prominent part in promoting it.

I have now to offer a few remarks upon the printed documents before me, reserving the right of future observation, should it seem to be required.

1. In the Governor's Despatch to your Grace, dated 28th April, 1860, the following statements appear:—"The language (native petition) is an evident translation from English; second, because a "great proportion of the names are in European hand writing." In the opinion of some of the best Maori scholars in the country whom I have consulted, the language is not a translation from English. I have reason to believe, also, that the latter statement is incorrect, and that none of the names are in an European hand writing.

2. In the Governor's Despatch to your Grace, dated 25th May, it is stated:—"I attach copies of letters from Mr. Turton, resident magistrate." To prevent misapprehension it is necessary to observe that Mr. Turton only rapidly passed through the district in question with which he was unacquainted.

3. Enclosure 3 in No. 2, "Ihakara informed us that he had an interview with Mr. Hadfield: Ihākera had no interview with me." I have been subsequently informed that, without my knowledge, he entered my house while a conversation was going on with other natives. I deny having stated that I did not wish my name to be mentioned. Riwai (Rev Riwai Te Aku) did not take any part in the proceedings imputed to him.

In reference to the last paragraph of the enclosure, I may observe Mr. Turton makes the following statement: "On the 3rd of April I demanded a copy of it for transmission to your Excellency; this was refused, and therefore I came on to Waikanse, without calling at Otaki, after having explained to them the deceit, the cowardice, and the dishonorableness of such secret conduct. But for this I do not think your Excellency would have seen a copy of that disgraceful paper, save, perhaps, on its return from London." If Mr. Turton had taken any pains to inquire into this subject, he could not have made this statement; for the petition was sent by the natives from Otaki, on the 31st of March, to the Colonial Secretary, to be forwarded through the Governor to the Queen.

In reference to the Governor's Despatch to your Grace, dated 26th June, 1860, I have merely to express my regret that his Excellency should have forwarded to the Secretary of State for the Colonies a series of documents containing statements so derogatory to a clergyman without having previously afforded him the means of denying them—statements which I never saw or heard of until several months afterwards when the papers were laid on the table of the House. It is also to be regretted that the Governor should, by words of unmistakable import, have himself supported these statements. The concluding paragraph of the Governor's letter (although I believe it to be entirely incorrect) does not concern me personally.

In the letter No. 4 to the Governor, signed by a hundred and six natives, the writers state: "We have heard that Tankana and Ihakara have unwarrantably cut up our names, our darkness is very great. Friend, Governor Browne, that paper was from us all; from all the men who directed that our sentiments should be written to the Queen and our names attached." It is necessary to observe that the name "Tankana" mentioned in this letter means Mr. Duncan.

So far I have contented myself with denials of statements alleged. I now request leave to offer my own opinion. I am induced to do so, being unable to draw any other inference from the papers before me, than that the right of petition is objected to.

I believe that the Otaki Memorial of last March was a genuine and spontaneous expression of the opinion of the natives of that district, and that the names of none were affixed to that document against their wishes or without their consent; and further, that the course adopted by these natives was wise and highly calcutated, as the event has shown, to calm the excitement that prevailed. I have yet to learn hat it was an unconstitutional or irregular proceeding, or one from which the natives of this country are debarred. When I consider the fact that more than five hundred men met under circumstances that occasioned great excitement, having lost all confidence in the Governor of the Colony, and that they determined, after two or three days' deliberation, to address a humble and loyal petition to Her Majesty, praying for the removal of that Governor, and patiently to await Her Majesty's reply, I certainly regard this as a remarkable proof of the advancement of religion, civilization, law and order among them.

I deem it right to warn Her Majesty's Government against confounding dissatisfaction at the Governor's proceedings with disaffection to the Crown. I would further observe, that whereas the natives of this country are a high-spirited people, and at present have no legal tribunal to appeal to for the protection of their territorial rights, there will be great danger if they are debarred from using the right open to all British subjects of petitioning the Crown in a constitutional manner for the redress of their wrongs, that they will be driven to seek redress by force of arms.

I have, &c.

His Grace the Duke of Newcastle,
Secretary of State for the Colonies,
&c. &c. &c.

(Signed) OCTAVIUS HADFIELD.

No. 42.

No. 42.

COPY of a DESPATCH from Governor T. GORE BROWNE to his Grace the DUKE OF NEWCASTLE.

(No. 91.)

Government House, Auckland, New Zealand,
August 31, 1860.

(Received 19th November, 1860.)

(Answered No. 87, 26th November, 1860, page 268.)

MY LORD DUKE,

I HAVE the honour to forward copy of an Address which I have received from the Legislative Council, assuring me of their "cordial support in carrying on the

"war now unhappily existing in a portion of this colony," and stating that "we are "convinced your Excellency has been forced into this course by circumstances beyond "your Excellency's control," and that "if this spirit of hostility to British supremacy "be not effectually subdued, it will break out again at various intervals."

Every member of the Council (present in Auckland) voted, and the division was eleven to three in favour of the Address.

I attach great importance to this document, because this branch of the Legislature is but little influenced by party politics, and not at all by pressure from without, and it contains among its members the Chief Justice and many others of high standing and repute in the colony.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Enclosure in No. 42.

Encl. in No. 42.

COPY of ADDRESS from the LEGISLATIVE COUNCIL of NEW ZEALAND to Governor GORE BROWNE, C.B.

WE, the Legislative Council of New Zealand, beg to assure your Excellency of our earnest desire to afford to your Excellency our most cordial support in carrying on the war now unhappily existing in a portion of this colony.

Deploring, as we do, the existence of this evil, a feeling which we are persuaded is entertained by your Excellency with equal strength, we are convinced that your Excellency has been forced into this course by circumstances beyond your Excellency's control.

We believe that if the spirit of hostility to British supremacy which now unfortunately exists at Taranaki is not effectually subdued, it will break out again at various intervals, producing the same disastrous results as those which have recently occurred to the lives and property of our fellow colonists.

We therefore trust that your Excellency will continue to carry on, with unabated vigour, all measures that may be necessary to suppress the present insurrection as far as possible to prevent its recurrence, and thus to insure the progressive prosperity of this colony, and of every class of Her Majesty's subjects within it.

I am, &c.

(Signed) T. H. BARTLEY,
Speaker.

Legislative Council Chamber, Auckland,
30th August, 1860.

No. 43.

No. 43.

COPY of DESPATCH from Governor T. GORE BROWNE to his Grace the DUKE OF NEWCASTLE.

(No. 95.)

Government House, Auckland, New Zealand,
September 4, 1860.
(Received 13th November, 1860.)

MY LORD DUKE,

I HAVE the honour to forward copies of the last Reports I have received from Major-General Pratt, C.B., and the Native Secretary, Mr. McLean, relative to the Native insurrection at Taranaki.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Enclosure 1 in No. 43.

Encl. 1 in No. 43.

SIR,

Head Quarters, New Plymouth, August 31, 1860.

WITH reference to my personal communication with your Excellency on the 26th instant as to future operations here which had been contemplated, I have the honour to acquaint you of the occurrences that have taken place which must, of course, modify and alter them.

NEW ZEALAND.

On the 25th instant the rebel force, which had entrenched themselves opposite to the camp on the Waerika, suddenly retired, and their position has been destroyed by our force; it is not easy to give any definite reason for this move on their part, but it is believed that the death of two chiefs named Abraham Witoi, Hoani of Ngatiruanui, who were killed; also Reapena Tahana, Wi ti Wane, and Minerapa, who, with several others not known were wounded, has led to this step, part of them have gone back to Tataramacki, others to Sukupem not far from Ornata.

Again, on the 29th instant, Major Nelson reports that Wiremi King's pah Paketakawarie was in his possession, and being destroyed; it was believed to have been vacated on the same day on which the rebels retired from the Wareika. A small party of Waikatos are known to have crossed the Waitera on return homewards with plunder, and W. King's people are stated to have returned to a Pah in the interior.

I have written to have the site of pah reported upon with a view to its occupation as a military post if found suitable, which I believe it to be.

It is not easy to understand these simultaneous movements. Our friendly natives believe them to refer to an attack on the town, but this is all conjecture.

As yet Her Majesty's ship "Fawn" has not arrived, nor has the "White Swan," so that none of the families who have all been named have yet been embarked for Nelson. I have, however, arranged to tranship the mails and passengers of the "Airedale" to the "Victoria" which proceeds this evening to Auckland, while the former takes as large a number of the women and children as possible to Nelson. The "Victoria" will remain in the Manukan to bring your European mail to Taranaki on the 9th proximo, and will during the interval get some necessary repairs made to the ship.

A body of natives were reported as being about two miles north of the town on the Wailoakari on the 29th instant, and I sent out a party of 250 rank and file to attack them; but not a native could be seen, all having retired to the bush. I shall keep your Excellency informed as to our further movements consequent on the altered state of affairs.

I have, &c.
(Signed) T. S. PRATT,
Major-General Commanding.

To his Excellency Colonel Gore Browne, C.B.,
Governor and Commander-in-Chief, New Zealand.

Encl. 2 in No. 43.

Enclosure 2 in No. 43.

SIR, Taranaki, August 29, 1860.

ALL the information I can gather this evening respecting the hostile natives may be briefly stated as follows:—

Thirty of the Waikatos, under their leader Anatipa, have left Wm. King, probably in consequence of divided councils; they comprise the party who retreated across the Waitara on Friday last with bullocks, horses, cattle, and eight drays laden with plunder.

The pah at Puketakanere has been abandoned in consequence of its having become untenable since Major Nelson has been in possession of 68-pounders with which he has breached it from the military camp at Waitara.

I am not in possession of reliable information as to Wm. King's movements, but it is most probable that he has retired to an inland pah at Kairoa or the Karaka, both places being beyond the immediate reach of military operations.

The Taranaki and Ngatiruanui natives from the south of the Sugar Loaves with some of King's followers are in the bush, inland of the town; a position which they are fortifying at Burton's farm. Another detachment of them is at Puketotara, inland of the Henui village. I will endeavour to obtain further information of their movements to-morrow.

I have, &c.
(Signed) DONALD MCLEAN,
Native Secretary.

The Honorable Major-General Pratt, C.B.,
&c. &c.

MEMORANDUM.

There are 400 natives at Burton's farm of the Taranaki and Ngatiruanui tribes; it is not their intention to erect a pah, but to make rifle pits.

At Tatarimaka there are 200 of the same tribes occupying several small pahs.

They find themselves unequal to the Europeans in open fighting, and have decided upon revenging themselves by secretly murdering every stray European they can lay hold of.

There are only two persons who can travel as far as Omata without being shot, those are the Rev. Mr. Brown, and Tamati, a native who lives at the Wesleyan Institution.

The rebel natives are suffering much from influenza which they assign as a reason for not giving more annoyance.

Another scheme proposed by them is to make an attack upon the town in three parties—one party would attack from the race course, another in the direction of Marsland Hill, and a third either by the sea beach south of the town or by the Devon Road.

The Taranaki and Ngatiruanui tribes are under an impression that they will not be molested by any attack at Burton's farm. The estimated strength of the southern tribes is 1,200 males, some of them are old men; 800 only of that number can be considered effective.

A party of Waikatos are stationed at Puketotara in the rear of the town.

There is every prospect that the main body of the enemy will soon be compelled to quit the vicinity of the New Plymouth Settlement; but small marauding parties will still remain to give annoyance.

The defence of the town is being proceeded with; even now it could not be attacked without inflicting a heavy loss on the enemy.

Major General Pratt is most anxious to get an opportunity of attacking the enemy, but the difficulty of doing so, from the bad state of the roads, the absence of authentic information as to his movements, the heavy forest and dense cover in which he is concealed, renders military operations exceedingly difficult, at least, until the weather is improved, and the roads more passable.

Taranaki, August 31, 1860. (Signed) DONALD MCLEAN.

No. 44.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 96.)

Government House, Auckland, New Zealand,
September 4, 1860.
(Received November 19, 1860.)
(Answered No. 89, Nov. 27, 1860, page 268.)

MY LORD DUKE,

I HAVE the honour to forward copies of "Further Papers" on Native Affairs, printed for the General Assembly.

Appendix, No. 3, page 321.
Papers on Native Insurrection.
Appendix, No. 4 page 325.
Papers on Native Insurrection.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE,
Governor.

No. 45.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 97.)

Government House, Auckland, New Zealan
September 7, 1860.
(Received Nov. 13, 1860.)
(Answered, No. 86, Nov. 26, 1860, page 267.)

MY LORD DUKE,

IT is with much regret that I call your Grace's attention to the enclosed letters from the Reverend Mr. Burrows, the Secretary to the Church Missionary Society, and Mr. Clarke, Resident Magistrate, and son of the late Native Protector.

It appears that Mr. Burrows attended the conference of the chiefs with great regularity, and on seeing some account in a newspaper which he did not think sufficiently accurate, he mentioned the subject to the Minister for Native Affairs, and not receiving an answer as soon as he expected, thought it his duty to impugn the conduct of the Native Secretary in the newspapers, without himself possessing an accurate knowledge of the facts.

If Mr. Burrows had considered it his duty to accuse the Native Secretary he might have appealed to me, and, if he failed in obtaining the redress he expected, he might have insisted on forwarding his complaint to your Grace; but I submit that the course he has adopted is calculated to weaken the effect of the conference in the eyes of the native population, and to neutralise the efforts of the government to maintain peace and secure the goodwill of those who have not taken part against us.

I need not inform your Grace that the assembling of the chiefs at this conference was attended with difficulty and vast expense; and the object was one which should have claimed the sympathy and cordial support of all Her Majesty's loyal subjects. I regret, however, to say that many (but by no means all) of the clergy belonging to the Church of England Mission have recently placed themselves in antagonism to the Government,

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and have added greatly to the embarrassments with which it is surrounded. I do not doubt the purity of their intentions, but I regret the fact and its consequences.

I forward also a protest, signed by Bishop Selwyn and some other clergymen, together with copy of a letter addressed to them by the Colonial Secretary, Mr. Stafford. I make no comment on these documents, as the Bill to which they refer is still before the House of Representatives.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Encl. 1 in No. 45.

Enclosure 1 in No. 45.

COPY of Letters from the Rev. R. Burrows and Mr. H. T. Clarke.

To the Editor of the "New Zealander."

SIR,

IN your leading article of to-day, after reporting the Governor's farewell address delivered by his Excellency on Saturday last to the native chiefs assembled at Kohimarama, you go on to say, "On the day preceding (Friday) the following resolutions were proposed and adopted by the chiefs."

As I was present when the resolutions above referred to were put to the meeting, would you oblige me by inserting in your next the following memoranda which were made by me at the time.

Resolution 1. Mover, Paikea. No discussion. Chairman called upon those in favour of motion to hold up their hands, nearly the whole did so.

Resolution 2. Mover, Wi Nero. Majority in favour and held up their hands—some confusion—but Chairman did not call upon the opposition to hold up their hands.

Resolution 3. Hover, Pekama Tohi. On the chairman putting the resolution about one-third held up their hands—considerable confusion—chairman called attention to the fact that in the earlier part of the conference they had blamed (whakahe) the Governor for the war at Taranaki, but that he having enlightened them on the question at issue, he understood they were now convinced to the contrary. Some irregular talk among the natives; private conversation between chairman and Assistant Native Secretary. Chairman again put resolution 3; about the same number, one third, held up their hands—further confusion—some little talking. Chairman did not call upon those who disapproved of the resolution to hold up their hands, but called upon Wi Tamehana to move resolution 4.

Resolution 4. Some two or three objected, and wished to explain, but the Resolution was carried.

Resolutions 5 and 6 carried unanimously.

Resolution 7. carried by acclamation, and an unanimous wish expressed that Mr. McLean should remain amongst them; or, if he visited his native country, that he should return to them speedily.

The chairman declared the conference closed.

ROBERT BURROWS.

To the Editor of the "New Zealander."

SIR,

IN consequence of some editorial remarks which appear in the "Southern Cross" of yesterday respecting the native conference at Kohimarama, introducing a letter from the Rev. R. Burrows, in which he states that the Resolution No. 2, condemnatory of the King movement, and No. 3, condemnatory of Wm. King's proceedings, were not unanimously passed, I feel bound, as a witness of what took place, to state that the second resolution was assented to by all the chiefs, with the exception of a small party, about ten in number, who were connected with the movement, and who, from fear of compromising themselves, neither affirmed nor opposed that resolution.

The chairman, before putting the resolutions, expressly told the chiefs that those in favour of the resolution should signify their approbation by lifting up their hands; and, to avoid confusion, as all the natives were not used to the English form of passing resolutions, those of them who disapproved or had anything to say against all or any one of the motions were invited to come forward and frankly state such objections.

Some confusion did arise, but it was occasioned by a few of the aged chiefs when the 3d Resolution was being passed, not from opposition to the resolution, as you shall presently see, but from a temporary misunderstanding as to the full scope of its wording. In order, however, that there should be no misapprehension or mistake resting on the minds of the chiefs, the chairman, after the meeting was over, directed that the resolutions should be sent that evening to the several wards, and freely discussed amongst the chiefs, without any official, or, indeed, any European being present. He gave them at the same time to understand that any resolution objected to should be either altogether omitted, or, at the option of the movers, put to them again in an amended form.

On the following morning (Saturday) the chiefs assembled in the Conference Hall, and there publicly expressed their entire approbation of all the resolutions, which were then eagerly signed by one hundred and seven of the chiefs, three only having expressed any dissent, and that only from the third resolution.

I enclose you a copy of the resolutions, with the signatures attached; merely adding that had Mr. Burrows but expressed to any officer of the native department the doubts he now appears to enter-

tain as to the propriety of the mode in which the resolutions were put and passed, the explanations I now give would have readily been furnished to him, and he would have been spared the trouble of writing a letter which really conveys a very grave imputation against the Native Secretary as chairman.

I observed in the columns of the "Cross" a gratuitous statement of a farewell address presented to the Governor, having been "signed by a number of natives without reading, but which, when examined by one more wary than the rest, was seen to contain a condemnation of William King."

Having, in connexion with Mr. Smith, Assistant Native Secretary, translated all the addresses, and never having seen the one referred to, I must in the most emphatic manner deny the truth of the allegation thus made in the "Cross."

I am, &c.
(Signed) H. T. CLARKE,
Resident Magistrate, Bay of Plenty.

Resolution 1. "That this conference takes cognizance of the fact that the several chiefs, members thereof, are pledged to each other to do nothing inconsistent with their declared recognition of the Queen's sovereignity, and of the union of the two races; also to discountenance all proceedings tending to a breach of the covenant here solemnly entered into by them."

Resolution 2. "That this conference is of opinion that the project of setting up a Maori King in New Zealand is a cause of division and strife, and is fraught with troubles to the country."

Resolution 3. "That this conference having heard explained the circumstances which led to the war at Taranaki, is of opinion that the Governor was justified in the course taken by him; that William King te Rangitake himself provoked the quarrel, and that the proceedings of the latter are wholly indefensible."

Resolution 4. "That the conference deprecates in the strongest manner the murders of unarmed Europeans committed by the natives now fighting at Taranaki."

Resolution 5. "That this conference desires to thank the Bishop of New Zealand for his kindness in allowing them the use of the buildings at Kohimarama.

Resolution 6. "That this conference desires to thank his Excellency the Governor for his goodness to the Maori people; that is, for his constant kindness and love to them; and also for granting them this great boon, the "runanga," whereby they are enabled to express their views, and propose measures for the settlement of the difficulties which arise among the native people."

Resolution 7. "That this conference desire to thank their friend Mr. McLean for his great exertions on their behalf, and for his kindness to the natives of this island of New Zealand."

(Signed)
Wiremu Nero te Awataia.
Hemi Matini.
Hetaraka Nero.
Tamati Waka x Te Ruki.
Hapeta Waka x tona tohu.
Reweti Waikato x tona tohu.
Mohi Te Rongomau.
Matutaera Pungaawaka x.
Winiata Pekamu Tohiteururangi.
Tomika Te Mutu x.
Wiremu Patene Whitirangi x.
Hamiora Matenga Tu x.
Hamuera Te Paki x.
Maihi te Pohepone v.
Menehira Kingi te Rakau.
Makarini Te Uhinika.
Mohi Kupe x.
Topinete Amohau x.
Te Herewini Te Amohau.
Tamati Wharehinaki x.
Aomarere te Puna.
Takerei te Mawe x.
E Hope.
Wiremu Kingi Tutepakihirangi.
Taiapo Te Waiatua x.
Ngahuruhuru x.
Tauaru x.
Ngarama Te Tipitipi x.
King Wiremu Hakitara x.
Hemi Parai x.
Te Rawharitua x.
Himiona Mohaka.
Manihera tehina o te rangi.
Hori Te Kotuku.
Kihirini Te Tvaahu.
Taiaroa x.
Perenara Te Haukopa.
Parakaia te Pouepa.
Wiremu Te Ahukaramu.
Paora Tuhaere.
Keene x.
Paraone Te Rangi.
Hori Niniana.
Manukau Rewarewa.
Kepa Te Ahu.
Eruera Kahawai x tona tohu.
Henare Kepa Te Ngae x.
Te Reanuku x.
Na Te Hemara.
Na Henare Winiata.
Na Paratene x.
Nag Heremoko Rauparaha.
Wiremu Kingi Tuahangata.
Arama Karaka.
Kaitoke x.
Paikea Tehekena x.
Arama Karakangakete.
Pakirori x.
Pehimana Hanga x.
Taraipine Teama x.
Pera Taiki.
James Parata Pomare.
Ruarangi.
Timothy.
James.
Tame x.
Wiremu.
Hori Kingi x.
Tahana Turoa.
Kawana Paipai.
Mete Kingi x.
Mawae x.
Hori Kerei Te Naeroa x.
Fehimana Kamarama.

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Parakaia Tararoa x.	Ihakara Rangiahua.
Hohepa Tamaihengia Ngatitoa x.	Hapurona Tohikura.
Hohaia Pokaitara.	Reihana Paruhi.
Nopera Ne Ngiha x.	Nga Pomate x.
Ropata Hurumutu x.	Maihi P Kawiti.
Horopapera Pukeko x.	Manihera Te Iwitahi.
Rawiri Waitere Hikihiki x.	Wiremu Pohe x.
Te Rapihana Otaota.	Wiremu Pomare.
Hapimana Ngapiko.	Honetena Te Kero.
Kuruho Rangimaru.	Hare Pomare.
Moroati Kiharoa.	Petaera Warerani x.
Ihakara Tukumaru.	Kainamu Tarapo x.
Horonmona Toremi x.	Komine Te Ranginoa x.
Tamihana Te Rauparaha.	Te Mutu Kuri x.
Matene Te Whiwhi.	Hoani Wiremu Hipango.
Te Ahu Karamu x tona tohu.	Tamati Wiremu Puna x.

We agree to these Resolutions, with the exception of one, which is not clear, and from which we dissent, viz. :—

Resolution 3. "That this Conference having heard explained the circumstances which led to the war at Taranaki is of opinion that the Governor was justified in the course taken by him, that William King Te Rangitake himself provoked the quarrel, and that the proceedings of the latter are wholly indefensible."

This is the resolution from which we dissent.

(Signed) WIREMU TAMIHANA TE NEKE.
TE MANIHERA MATANGI.
EPIHA KARORO.

Witness to Signatures,
HENRY T. CLARKE,
Resident Magistrate,
Bay of Plenty.

Encl. 2 in No 45.

Enclosure 2 in No. 45.

COPY of Letter from Rev. R. Burrows.

To the Editor of the "Southern Cross."

SIR,

I have no wish or intention to continue a discussion in the columns of a newspaper on the question of certain resolutions which were printed in the "New Zealander" of the 15th instant, and said to have been adopted on Friday the 10th by the native chiefs assembled at Kohimarama; but when I am charged,—as I am in this day's issue of the above named paper, with being "eager—impatient to rush into print," I must be allowed a reply.

A simple statement of a few facts will, I think, be the best refutation of that charge.

Having heard that on the day following the proposal of the resolutions in question to the assembled natives (and after the chairman had declared the conference closed), that the great majority of these men had been induced to attach their signatures to those resolutions as a whole, and, moreover, having been informed that some of them had afterwards expressed their ignorance of what they had signed, I called at the Native Secretary's office, with a view to inform him of what I had heard, and to elicit from him, if possible, what had actually taken place. Not having found him there, and immediately after meeting the "Minister for Native Affairs," I ventured to mention the subject to him, and gave him to understand that all I contended for was, that if these resolutions were made public the facts connected with them should also be made public. The honourable gentleman thanked me for my information, and engaged to speak to Mr. McLean on the subject. That he did do so I was afterwards informed by the "Native Minister" himself.

What then was my surprise to see, two days after (on the 15th instant), the whole of those resolutions printed in the "New Zealander," in large type, prefaced by the following words:—

"On the day preceding (Friday) the following resolutions were proposed and *adopted* by the chiefs."

The italics are mine, and I ask you, sir, and your readers, to compare this assertion with my "memoranda," which you were good enough to insert in your last, the truth of which has not, I think, been gainsayed by what has appeared in the "New Zealander" of this day.

But further desirous of allowing the parties interested in the matter every opportunity of either commmunicating with me, or of accompanying my "memoranda" with any explanation they might have to offer, I enclosed a private note to the editor of the "New Zealander" to that effect; and informed him that I should wait the publication of his next before I sent a "copy of my letter" to the "Southern Cross."

I received no communication in the interim, on the subject, nor did my letter appear in the "New Zealander" as I desired, but under the head of "Notice to Correspondents" I was informed that it was left out for want of room. I then forwarded (as I had very distinctly told the editor of that paper I should do) a copy of my letter to your publication.

Having stated these facts, I must leave the public to decide with whom has been the "*eagerness—the impatience to rush into print.*"

And now, one word in reference to the letter of Mr. H. T. Clarke, which immediately follows mine in this day's issue of the "New Zealander." It will be seen by reference to my "memoranda," that a majority were in favour of Res. 2., and that therefore it was carried—not so Res. 3., which is indeed the resolution of the series. Mr. Clarke allows that "some confusion did arise," but not from opposition to the Resolution. He does not deny, however, that when the meeting was called upon to approve of that resolution by a show of hands, the majority did not put up their hands, and that no better success attended a second effort; whilst, therefore, Resolution 2 was passed because a majority did hold up their hands in favour of it, Resolution 3 was not passed because a majority did not hold up their hands.

What took place after the chairman had "declared the conference closed" I am not prepared to say; but whilst on the question of Resolution 3, permit me, Sir, to make a few remarks which may throw some light upon the whole subject.

The native conference had not been sitting many days before it appeared evident to those conversant with the native language, and the working of the native mind, that the unhappy Taranaki war was not only uppermost in their thoughts, but that they were not at all prepared to throw the whole onus of that war upon the shoulders of Wiremu Kingi. Some of the chiefs present began to express their minds very freely, and to plead for a cessation of hostilities. It soon became evident that nothing short of a reply from the Governor on the subject would satisfy them. On the 19th of July the Message of his Excellency was printed in the "New Zealander" of Saturday last, was read to them, prefaced by a long account from Mr. McLean, respecting the Taranaki land question, which also appeared in the above-named paper. The chairman's address, and the Governor's message together, tended to enlighten some, and to silence others, but many who were silent were not satisfied, and in this state I believe they remained up to the close of the conference.

Now, had there been no doubt existing as to the readiness of the natives present at the conference to give their unanimous assent to Resolution 3, I should have questioned the wisdom of bringing such a resolution before them; but when it was quite apparent that there were many present who sympathized with Wiremu Kingi, and some who are his relatives, or relatives of his adherents, I do regard the attempt to pass that resolution as a most impolitic one, and the success which afterwards attended the obtaining of so many signatures to it was most unfortunate. The government will most probably circulate that series of resolutions, with the signatures attached, among the natives generally, and I am certain that the sentiments contained in Resolution 3 will not be echoed by the majority of those who are professedly represented by the men signing it.

I believe that, imperfect as has been the selection of the men to form that conference, that a certain amount of good will result from it; but I fear that good will be damaged by allowing the resolution in question to go forth among the natives.

I am, &c.
(Signed) ROBERT BURROWS.

August 22, 1860.

Encl. 3 in No. 45.

Enclosure 3 in No. 45.

REMARKS by the Bishop of New Zealand and others on Native Offenders Bill.

REMARKS on "Act to enable the Governor, in certain cases, to prevent Dealings and Communication with aboriginal Natives offending against the Law."

Treaty of Waitangi.—Article III.

"In consideration thereof, Her Majesty the Queen of England extends to the Natives of New Zealand Her Royal protection, and imparts to them all the rights and privileges of British subjects."

1. The title states the intention of the framers of the Bill to prevent dealings with aboriginal natives offending against the law.

The preamble specifies the following offences as occasionally committed by aboriginal natives:—

a. "Harbouring natives who have committed offences against the law."

The persons here referred to are described as "chiefs and tribes who refuse to deliver offenders up to justice."

b. "Forming combinations for the purpose of resisting the execution of the law, and for other unlawful purposes."

The persons here referred to are described as "aboriginal natives."

2. A distinction seems to be drawn between two classes of offenders, the one described in the preamble as "chiefs and tribes," and the other as "aboriginal natives forming unlawful combinations." In clauses 2 and 3, the word "district" is introduced, and in Clause 4, the words "any aboriginal native or natives."

The Act then is intended to have operation over any aboriginal native or natives, any combination of natives: any chief or tribe, and any district, after proclamation shall have been made by the Governor in the "New Zealand Gazette;" and over all persons holding any communication with any aboriginal native, combination of natives, chief, tribe, or district, named or described in any such proclamation.

3. It is respectfully submitted to his Excellency the Governor and to the members of the General Assembly, that this Bill, if it should be enacted, will have the following effects:

a. That it will empower the Governor, "Whenever he shall deem it expedient," to deprive any number of New Zealanders of many of the highest privileges of British subjects.

b. That it will empower the Governor, at his own discretion, to debar from the exercise of their calling, under very severe penalties, all missionaries, schoolmasters, traders, and other persons carrying on their business in native districts, unless they have received his Excellency's written permission.

4. The Bill provides no security or check whatever against the undue exercise of these enormous powers.

The responsible ministers, in former Acts affecting the native interests, have insisted upon the insertion of the words "Governor in Council." No such words appear in this Bill.

His Excellency the Governor has recommended to Her Majesty's Secretary of State for the Colonies "that in native affairs the Governor should be advised by a permanent Council appointed by the Crown." The Bill would deprive this council of all voice in the most important of all native questions.

The Chief Land Purchase Commissioner has stated that "it is abundantly manifest that in the present state of the colony the natives can only be governed through themselves." Has this Bill been brought before the native conference, and its bearing upon the treaty of Waitangi explained to them?

His Excellency the Governor has been instructed not to assent to any measures subjecting the natives to any disabilities to which the English settlers would not equally be subject. There is no clause to reserve this Act for the Royal Assent.

5. The title of the Act contains the words

"Aboriginal natives offending against the law;"

and the preamble, the words

"Resisting the execution of the law,"

and "For other unlawful purposes,"

and "In order to enforce obedience to the law."

It appears then to be proposed in the Bill, that the Governor should be entrusted with the following powers, viz.:—

To determine what is the law;

To decide who have offended against it;

To declare any combination of natives unlawful;

To construe into "an unlawful purpose" any other proceeding of the natives, not specially described in the Bill;

To implicate any other persons of either race in the legal consequences flowing out of the above assumptions; and

To claim the assistance of the courts and magistracy of the colony in enforcing severe penalties upon persons implicated in the guilt of offences of which the courts have had no cognizance.

On all the above points it is respectfully submitted that every British subject is entitled to the fullest security, under the statutes cited in the "Petition of Right," and by that petition itself, as enacted by consent of the Crown and both Houses of Parliament.

6. The indefinite use of the word "law" in the Bill suggests the question, whether martial law is intended to be included within the meaning of the word. It is again respectfully submitted, that every proceeding under martial law, proclaimed without the sanction of the legislature, is itself a breach of the law, as established by the Petition of Right.

7. The above remarks apply to the case of any aboriginal native or natives, and any combination of natives. It seems to be intended that the persons included in these two classes should be named in the Governor's proclamation.

The two other classes, viz.:

Chiefs, or Tribes, and Districts, require a separate consideration.

8. Chiefs or Tribes.—Where there is no right, there can be no responsibility. The government has denied the seignorial and tribal right to land at the Waitara, and has professed its determination to support the rights of individuals, to the exclusion of the right of the chief or the tribe. With what consistency, then, can it now be proposed to make the chief or the tribe responsible for the acts of individuals? This was the old system in Ireland, which excited the whole nation against the English Government, till the Act of the Irish Parliament 1495, called "Poyning's Act," provided, "That murders were to be prosecuted according to law, and not in the manner of the natives, by pillaging or exacting a fine from the sept of the slayers."

We are already involved in one disastrous war by the denial of tribal right; who can tell in how many more we may be involved by the assertion of tribal responsibility?

9. Districts.—We now come to the most startling of all the proposals in the Bill, viz.:—that it shall be in the power of the Governor to pronounce sentence of outlawry upon whole districts, without even the possibility of a legal process, for districts can neither plead nor be impleaded. A district may contain an unknown number of persons who have committed no offence, nor sympathised with any offenders; and yet, because they are unable, as persons of quiet and unwarlike habits, to prevent evil or to apprehend malefactors, they may be included in the same sweeping denunciation, which subjects all alike, innocent and guilty, without judicial process, and without appeal, to the suspension of their trade, to separation from their friends, and to confiscation of their goods. To hold communication of any kind whatever, directly or indirectly with one of those innocent men, in a proclaimed district, is proposed to be declared an offence punishable by fine and imprisonment. And all this by a mere proclamation to be issued by the Governor "whenever he shall deem it expedient."

10. In this, and in every other question affecting the rights of British subjects imparted to the New Zealanders by the treaty of Waitangi, the clergy of the Church of England (many of whom interpreted and explained that treaty to the natives, at the request of Governor Hobson), feel that they have a right of remonstrance. Memorialists on the other side of the question have not been backward in accusing the New Zealanders of violating the treaty. We rely upon the good feeling of his Excellency the Governor, and the Colonial Legislature, that our conscientious advocacy of the rights and privileges of our native fellow-subjects will not be resented as a mere political interference. All we ask is, that

no British subject of either race be subject to any penalties or disabilities "without being brought to answer by due process of law."

(Signed) G. A. NEW ZEALAND, Bishop of New Zealand.
G. A. KISSLING, Archdeacon of Waitemata.
ROBERT MAUNSELL, Archdeacon of Waikato.
OCTAVIUS HADFIELD, Archdeacon of Kapiti.
ROBERT BURROWS, Secretary of C.M.S. in New Zealand.
JOHN FREDERICK LLOYD, Minister of St. Paul's, Auckland.
VICESIMUS LUSH, M.A., Minister of All Saint's, Howick.
JOHN KINDER, M.A., Master of the Grammar School, and Assistant Minister of Saint Barnabas.
W. L. WILLIAMS, B.A., Turanga, Clerk.
EDW. H. HEYWOOD, Minister of North Shore, Auckland.

Auckland, August 29, 1860.

Enclosure 4 in No. 45.

Encl. 4 in No. 45.

Mr. Secretary STAFFORD to the Bishop of NEW ZEALAND.

Colonial Secretary's Office,
Auckland, September 3, 1860.

MY LORD,

I HAVE received, in common with my colleagues in the ministry, a letter dated the 29th ultimo, signed by your lordship and certain clergymen of ths Church of England, remarking on a Bill now under the consideration of the legislature.

I must beg to call your Lordship's attention to the eighth paragraph of your letter in which it is stated that "the government has denied the seignorial and tribal rights to land at the Waitara, and has professed to support the rights of individuals, to the exclusion of the chief or the tribe."

The context makes it plain that it is intended by your Lordship and the other writers to affirm that the government has asserted, as a general principle, that it will refuse to recognise the right of the chief of a tribe, as such, over the territory occupied or owned by the tribe.

Such an exposition of the opinions of the government is directly at variance with statements made by his Excellency the Governor, and by ministers both in the Houses of Assembly and elsewhere ; I ought not, therefore, to have to reiterate, as I now do, the assurance that government does recognise (to the fullest extent) all lawful right of the chief and tribe which have been recognized by former governments, or have ever been understood to exist.

I cannot doubt that your Lordship, after so explicit a renewal of assurances which your Lordship appears to have overlooked, will no longer afford the sanction of your name and position to a statement which is totally unfounded, and which is calculated to inflame angry passions, to retard the establishment of peace, and seriously to embarrass the relations of the native race with Her Majesty's representative.

I have, &c.
(Signed) E. W. STAFFORD.

His Lordship the Bishop of New Zealand.

No. 46.

No. 46.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(Separate.)

Government House, Auckland, New Zealand,
September 8, 1860.
(Received Nov. 13, 1860.)

MY LORD DUKE,

I HAVE the honour to request that the report of the debate in the Legislative Council (herewith enclosed)* may be substituted for that forwarded in my Despatch, No. 91† of August 31 ; the report now sent has been corrected by most of the speakers, and may consequently be relied on.

* Appendix, No. 5. Page 346.
† Page 124.

I have, &c.
(Signed) T. GORE BROWNE.

His Grace the Duke of Newcastle,
&c. &c. &c.

NEW ZEALAND.

No. 47.

No. 47.

COPY of a DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 100.)

Government House, Auckland, New Zealand,
September 29, 1860.
(Received December 20, 1860.)
(Answered No. 13, January 26, 1861, page 270.)

MY LORD DUKE,

THE question of how the expenses consequent upon the native insurrection are to be defrayed having been the subject of a debate in the House of Representatives on the 6th instant, I think it right to inform your Grace of what has taken place on the subject.

Printed Papers, No. 1.

On the 2d March last I proposed to the Colonial Treasurer that the officer commanding Her Majesty's troops should be requested to instruct the officers of Her Majesty's Commissariat and Pay Departments to make the necessary disbursements on account of pay, allowances, and rations granted to the Taranaki Militia and Volunteers, "the total "amount so issued to be recovered from the Colonial Treasury."

Printed Papers, No. 2.

The Treasurer replied in a Memorandum, dated 3d March (enclosed), in which he says, "the Colonial Treasurer feels that at the present juncture he has no alternative "but to acquiesce in his Excellency's giving, on behalf of the colony, the proposed "undertaking to reimburse the Imperial Government." The Colonial Treasurer proceeds to give reasons why "the colony should be entitled to the ultimate refund of "its advances by the Imperial Government."

Printed Papers, No. 7.

MS. Enclosure, No. 1.

Printed Papers, No. 8.

MS. Enclosure, No. 2.

In a letter, dated 4th June last, Colonel Gold states that "separate and especial "instructions, and authorities for each separate requirement, will be rendered necessary "as vouchers to be forwarded home with the accounts." After considering this letter, and another dated 12th July on the same subject, the Colonial Secretary brought to my notice Mr. Labouchere's Circular Despatch of 22d October 1857 (covering a Circular Memorandum from the Horse Guards dated 12th September 1857) together with a Memorandum from Mr. Under Secretary Gisborne (enclosed). In this Memorandum Mr. Gisborne says:—"It is not, I think, unreasonable to infer that in case of a necessity "arising for the defence of the colony against aggression, or for the preservation of "public tranquillity, the Imperial Government does not require a guarantee for the "repayment of war expenses. That question appears tacitly to be left for future adjust-"ment between the mother country and the colony, according to the circumstances of "the particular case which had arisen."

Printed Papers, No. 10.

Printed Papers, Encl. in No. 10.

I assented to this view of the case, and addressed a letter to the officer commanding Her Majesty's troops forwarding a Memorandum and a Requisition (enclosed), both prepared by the Attorney General, in explanation of the case, and calling upon him to authorize by his warrant the issue of such advances as may be necessary.

I have entered into these details to show that I have given no pledge of payment on the part of the Imperial Government, that I did ask for a pledge of repayment from the Colonial Government; and that I adopted in lieu of it the course indicated in Mr. Labouchere's Despatch of 22d October 1857.

It is now clearly understood by the responsible ministers and myself that the whole question is "left for future adjustment between the mother country and the colony."

Having thus explained the state in which the subject rests at the present moment, I can have no hesitation in recommending that the expense of the war may not be thrown entirely on the settlers. I believe that the finances of the colony are quite unable to meet such a demand. War causes expense, and at the same time destroys the means of defraying it, so that the settlers (though ready and willing to incur loss and submit to the hardships of war in the hope of obtaining future security) necessarily depend on the mother country for aid in their difficulties, and I feel satisfied that it will not be withheld.

This Despatch has been shown to my responsible advisers.

I have, &c.
(Signed) T. GORE BROWNE.

His Grace the Duke of Newcastle,
&c. &c. &c.

MS. Enclosure No. 1 in No. 47.

NEW ZEALAND.

MS. Encl. in No. 47.

COL. GOLD to the GOVERNOR.

SIR, Taranaki, July 12, 1860.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 20th ultimo, No. 88, on the subject of advances from the Treasury Chest for Militia purposes, having transmitted a copy of the same, with the Circular enclosed therein, to the Senior Commissariat Officer, I now forward, for your information, a copy of his reply thereto.

I have, &c.

His Excellency the Governor, &c. &c. &c.

(Signed) C. E. GOLD, Colonel, Commanding the Forces.

COMMISSARIAT.

SIR, Taranaki, July 10, 1860.

I HAVE the honour to acknowledge the receipt of your letter of this date, enclosing copy of a communication from his Excellency the Governor, respecting advances from the Treasury Chest under my charge for Militia purposes, and conveying the wish of the Officer Commanding Her Majesty's Forces for my remarks.

If I am correct in understanding that his Excellency contemplates drawing lump unestimated sums from the chest for Militia expenditure, I beg to submit the following observations for the information of the Officer Commanding the Forces.

The Horse Guards Circular Memorandum referred to, appears to be intended merely to define the relative authorities and powers of Governors and Officers Commanding Her Majesty's troops in the colonies, but gives the Civil Government no power over the military chest, nor does it annul or alter the regulations from the Lords Commissioners of the Treasury or the Secretary of State for War, which provide that all expenditure for Militia services, whether chargeable against the Imperial or Colonial funds, shall be defrayed and accounted for by the Commissariat.

I may also remark that the Horse Guards is no authority on finance matters, the whole of which rests exclusively—as far as military affairs are concerned—with the Secretary of State for War, and the War Office instructions are completely at variance with the proposal of his Excellency.

Under these circumstances I am compelled, with the greatest deference, but most decidedly to decline making the advances for Militia services in the manner contemplated.

I have, &c.

The Major of Brigade, &c. &c.

(Signed) H. STANLEY JONES, Assistant Commissary General, Comptroller of Army Expenses.

Printed Enclosure in No. 47.

Printed Encl. in No. 47.

PAPERS RELATIVE TO THE PAY AND EXPENSES OF MILITIA AND VOLUNTEERS.

No. 1.

No. 1.

Memorandum by the GOVERNOR.

Taranaki, March 2, 1860.

THE unsatisfactory reply of William King to the message sent him on the 1st March will render military occupation of the ground at the Waitara necessary, and involves the enrolment of so many of the Militia and Volunteers as can be properly armed. The Governor proposes to the Colonial Treasurer that these troops should receive pay, allowances, and rations at the same rate as the corresponding ranks in Her Majesty's service.

That the Commander of Her Majesty's troops should be requested to instruct the Officers of Her Majesty's Commissariat and Pay Departments to make the necessary disbursements on the application of Major Herbert, and accept his receipt for the same. The total amount so issued to be recovered from the Colonial Treasury.

(Signed) T. GORE BROWNE.

The Hon. the Colonial Treasurer.

No. 2.

No. 2.

Memorandum by Mr. RICHMOND.

New Plymouth, March 3, 1860.

IT appears from his Excellency the Governor's Memorandum of the 2nd instant that the enrolment of so many of the Militia and Volunteers as can be properly armed has, in his Excellency's opinion, become necessary for the assertion of Her Majesty's authority against the armed resistance of certain Aboriginal Natives headed by William King of Waitara.

At the same time the Colonial Treasurer is verbally informed that his Excellency cannot request the issue by Her Majesty's Commissariat and Pay Departments of pay, allowances, and rations for these troops, except upon the understanding that the necessary disbursements for that purpose shall be recoverable from the Colonial Chest.

Such being the views and determination of his Excellency, as an Officer of Her Majesty's Imperial Government, the Colonial Treasurer feels that he has at the present juncture no alternative but to acquiesce in his Excellency giving, on behalf of the colony, the proposed undertaking to reimburse the Imperial Government.

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The Colonial Treasurer observes, however—First, that the Militia and Volunteers are called upon to take the field, in obedience to his Excellency's summons, for the suppression of rebellion on the part of aboriginal natives.

Secondly, that the sole direction of the policy of the Colonial Government in its relations with the natives, and the consequent responsibility for the issue of that policy in warlike operations, confessedly rests with his Excellency, acting under the directions of Her Majesty's Secretary of State; the colony of New Zealand being for this purpose a Crown colony as completely as before the establishment of ministerial government.

It seems a necessary inference from the premises that the expenses of maintaining in the field a Colonial force on an occasion like the present, stand upon the same footing as the expenses of the regular troops with which that force is acting.

The Colonial Treasurer, therefore, respectfully submits that the Colony is entitled to the ultimate refund of its advances by the Imperial Government, and advises that his Excellency should, on behalf of the Colony, claim such refund.

It scarcely need be said that anything in the Memorandum is intended to imply disapproval of the course of policy pursued on the present occasion by his Excellency, which, on the contrary, is entirely concurred in by his Excellency's responsible advisers.

(Signed) C. W. RICHMOND.

No. 3.

No. 3.

Mr. STAFFORD to Major TRAFFORD.

SIR, Wellington, April 28, 1860.

REFERRING to communications which I have previously had with you on the subject of the Wellington Militia force under your command, I have the honour to transmit for your information copy of a letter which I have addressed to the Assistant Commissary General at this post, relative to the supplies and payments to be issued, until further instructions are received, to that portion of the above force which is called out for actual service.

With a view alike to economy, to prevent an interruption of industrial pursuits, and to mitigate the inconvenience and hardship sustained by those who would otherwise be compelled to attend from considerable distances, it is desirable that leave of absence be granted periodically to those members of the Militia residing in the Upper Hutt, and at other places distant from the guard-room in that district, and that the number of men retained for duty there, should be such as to require that each man was on duty every four or at most five days.

The same considerations should regulate the number of men retained for actual service in the city of Wellington.

I have, &c.
(Signed) E. W. STAFFORD.

Major Trafford, Commanding Wellington Militia,
&c. &c. &c.

Encl. in No. 3.

Enclosure in No. 3.

Mr. STAFFORD to Assistant Commissary-General ADAMS.

(No. 65.)

SIR, Wellington, April 28, 1860.

I HAVE the honour to acknowledge the receipt of your letter of this day's date on the subject of supplies and payments on account of the Wellington Militia, enclosing copy of a letter from the Senior Commissariat Officer, and intimating that unless I would guarantee the refund of sums expended on account of the Militia service, you would be unable to make payments on that account.

In reply, I have to state that the question of payments on account of that service will be considered on my return to Auckland, but in the meantime, as his Excellency has directed a portion of the Wellington militia force to be called out for actual service in connexion with the military operations undertaken for the maintenance of Her Majesty's authority, I will guarantee that any sums which may be expended on account of that force from the 1st instant will, if required by the Imperial Government, be repaid from colonial funds on the following conditions:—

That the payments to the Militia Officers of each grade who may be called out shall be at the same rate as those to officers of the line serving in England with the same scale of rations as those allowed in New Zealand. No colonial or lodging allowance being given except in the case of any officer whose duties compel him to reside away from his usual place of residence, in which case the authorized lodging allowance to be given.

That the supplies and payments, including such clothing as has been already issued to the non-commissioned officers and privates doing duty, shall be the same as those to Her Majesty's regular troops serving in New Zealand, rations being issued each day or additional pay at the present contract prices.

I have to request that I may be furnished with abstracts of the pay lists, and of the payments made, and that for the future weekly abstracts of the payments on account of the Wellington Militia, with copies of the pay lists, may be forwarded to the Colonial Secretary's office at Auckland.

I have, &c.,
(Signed) E. W. STAFFORD.

A. F. Adams, &c.,
Assistant Commissary General, Wellington.

P.S. All contingent expenses incurred on the requisition of Major Trafford since the 1st April are comprised in this guarantee.

(Signed) E. W. STAFFORD.

No. 4.

NEW ZEALAND.

No. 4.

The GOVERNOR to the OFFICER Commanding the Troops.

(No. 53.)

SIR, Government House, Auckland, May 17, 1860.

IN reply to your letter of the 12th instant, transmitting a letter from the Boatmen at Taranaki, applying to be allowed to draw pay and rations as Militiamen in addition to their wages as boatmen, I have the honour to annex, for your information, a copy of a Memorandum from my responsible advisers on the subject of this application.

I have, &c.
(Signed) T. GORE BROWNE,
Governor.

The Honourable the Officer Commanding the Troops,
New Plymouth.

Enclosure in No. 4.

Encl. in No. 4.

Memorandum by Mr. WHITAKER.

Recommended that the pay already received by the boatmen be retained by them in consideration of the Militia service and extra duties they have performed; also, that for the future they shall not receive Militia pay, as they are not doing Militia duty, but that it shall be suggested to the Superintendent that an allowance should be made for the extra services required from them.

(Signed) FREDK. WHITAKER.

May 17, 1860.

No. 5.

No. 5.

The GOVERNOR to the OFFICER Commanding the Troops.

(No. 57.)

SIR, Government House, Auckland, May 17, 1860.

IN reply to your letter of the 12th instant, respecting the payment of works under the Royal Engineer Department, now in progress in Taranaki for the defence of the province, I have the honour to annex for your information a Memorandum of my responsible advisers on the subject.

I have, &c.
(Signed) T. GORE BROWNE,
Governor.

The Honourable the Officer Commanding the Troops,
New Plymouth.

Enclosure in No. 5.

Encl. in No. 5.

Memorandum by MINISTERS.

I cannot recommend a general authority for an unknown and unlimited expenditure. The Colonial Government, before issuing any orders, wish to be informed what works have been contemplated, what are in progress, and what are proposed—with the expense incurred, and an estimate of that to be incurred.

(Signed) FREDK. WHITAKER.

May 17, 1860.

No. 6.

No. 6.

The GOVERNOR to the OFFICER Commanding the Troops.

(No 48.)

SIR, Government House, Auckland, May 29, 1860.

I HAVE the honour to request you to be good enough to authorize Mr. Adams, in charge of the Commissariat chest at Wellington, to continue to issue supplies on account of the Militia force at Wellington, in conformity with the terms of the letter, a copy of which is enclosed, addressed by Mr. Stafford to Mr. Adams on the 28th ultimo.

I have, &c.
(Signed) T. GORE BROWNE,
Governor.

The Officer Commanding the Troops,
New Plymouth.

No. 7.

No. 7.

The OFFICER Commanding the Troops to His Excellency the GOVERNOR.

(No. 2595.)

SIR, New Plymouth, June 4, 1860.

AS there are various payments for General, Provincial, and other services which you require to be paid out of Her Majesty's Commissariat chest, with regard to works, Militia pay, clothing, repair of arms, &c., &c., and also the Native force under Captain Richard Brown, I have the honour

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to request that your Excellency will favour me with separate and special instructions, and authorities for each separate requirement, which will be rendered necessary as vouchers to be forwarded home with the account.

I have, &c.
(Signed) C. E. GOLD, Colonel,
Commanding Forces, New Zealand.

His Excellency the Governor,
&c. &c. &c.

No. 8.

No. 8.

The GOVERNOR to the OFFICER Commanding the Troops.

(No. 88.)

Government House,
Auckland, June 26, 1860.

SIR,

I HAVE the honour to acknowledge the receipt of your Letter of the 4th instant, on the subject of certain payments required to be paid out of the Commissariat chest for Militia services, and, in reply, I would draw your attention to the 3rd paragraph of a Circular Memorandum from the Horse Guards, dated 12th September 1857, and published in the *New Zealand Gazette* (a copy of which is enclosed) of 12th February 1858, page 26. It appears from that paragraph that, when Militia are called out for active service, and the Colonial Treasury (as is now the case) is unable to meet the necessary expenditure, the Requisition of the Governor in itself, and without any guarantee of repayment, is a sufficient authority to the Officer Commanding the Troops to order the necessary advances to be made from the Commissariat Chest for the clothing, arms, rations, and pay of such Militia.

Under existing circumstances, the course most convenient and most beneficial to the public interests will be for me to make one requisition upon you for the necessary advances for the supply of the Militia. When not expressed to the contrary, the pay and allowances to be issued are to be understood to be intended to be made on the same scale as those to the Queen's Troops. When circumstances may appear to require any deviation from that scale, a special authority for such deviation will be given by me pursuant to the powers contained in the first part of the paragraph in question, the issue of all such advances being left for the sake of simplicity in the hands of the Military Authorities.

The wording of the last three lines of the 3rd paragraph of the Horse Guards Circular appears to contemplate the issue of *one* Requisition and *one* Warrant "for such advances as may be considered necessary for the purposes in question"—and several advantages of considerable importance will be secured by this course. The supply of the Militia will be governed and administered in the same manner as that of the Queen's Troops, and will be equally uniform, regular, and prompt, and the accounts will be simplified. As regards the guarantee which has sometimes been requested, and which you appear to think necessary, that the colony should repay advances of this kind, there seems to be no ground for this request. The question of repayment of war expenses incurred "for the defence of the colony against aggression, or for the preservation of public tranquillity," is left for future adjustment between the mother country and the colony, according to the circumstances of the particular case which may have arisen.

With these views, I am prepared at once to make a requisition in accordance with the provisions of the 3rd paragraph of the Circular referred to, and I shall accordingly forward a form of Requisition which appears suitable for this purpose.

I have, &c.
(Signed) T. GORE BROWNE,
Governor.

The Honourable the Officer Commanding the Troops,
New Plymouth.

Encl. in No. 8.

Enclosure in No. 8.

The SECRETARY OF STATE to GOVEROR GORE BROWNE.

Downing Street, October 22, 1857.

SIR,

I TRANSMIT to you herewith, for your information and guidance, a copy of a Circular Memorandum which his Royal Highness the Commander-in-Chief has communicated to the several Officers commanding the Queen's Troops in the colonies.

You will consider that Memorandum in the light of an additional Colonial Regulation, issued, as it is, for the better definition of the relative powers and authority of Governors of Colonies, and of Officers commanding Her Majesty's forces.

I have, &c.
(Signed) H. LABOUCHERE.

Governor Gore Browne, C.B.,
&c &c. &c.

Sub-Enclosure to Enclosure in No. 8.

CIRCULAR MEMORANDUM.

Horse Guards, S.W.,
12th September 1857.

Doubts having sometimes arisen between the Governor of a Colony holding the Commission of Governor and Commander-in-Chief, and the Officer Commanding the Troops, as to their relative authority and powers, it is to be distinctly understood, that the title of Commander-in-Chief, with which a Civil Governor of a Colony is invested, gives him no power or authority over the Queen's Troops or the Military Chest; but that it undoubtedly belongs to the Governor of a Colony to call out or organize any body or bodies of men whom, in the exercise of any general or special authority lawfully vested in him, he may judge it necessary or right to summon for the defence of the Colony against aggression, or for the preservation of public tranquillity.

The Officers who may be selected to command these bodies can only be commissioned by the Governor and Commander-in-Chief, in the name and on behalf of the Queen.

The Clothing, Arms, Rations, and Pay of the Officers and Men must be subject to such provision as may be made by the Colony, in pursuance of any legislative enactment passed or to be passed for this purpose. If the Colonial Treasury should be unable to meet such expenditure, recourse must be had to the Military Chest; and it is the duty of the Officer Commanding Her Majesty's Forces to authorize by his warrant, upon the requisition of the Governor, the issue of such advances as may be considered necessary for the purposes in question.

If such Local Force, or any portion of it, becomes embodied with the Queen's Troops, either in Division, Brigades, or Detachments, the selection of Officers for the command of such a mixed Force rests with the Officer Commanding the Queen's Troops.

As it is indispensably necessary that the Governor of a Colony should upon all occasions receive the earliest intelligence of the movements of the Troops, and of every occurrence which falls within their observation, it is the duty of the Officer Commanding any detached Force or Post to send to the Governor of the Colony direct, copies of all reports which he may from time to time receive.

In the event of active Military operations taking place in a Colony, it exclusively belongs to the Governor to state and explain to the Offier Commanding the Troops the policy of Her Majesty's Government, and the Military measures by which that policy is to be obtained, but it rests with the Officer Commanding the Troops alone to direct the execution of those measures.

Officers Commanding at the several Foreign Stations will be pleased to give directions that the above Instructions be officially recorded at the Stations under their command, as contemplated at page 344 of the Queen's Regulations and Orders for the Army.

By Command.
(Signed) W. F. FORSTER, D.A.G.

To General or other Officers Commanding at Foreign Stations,
and to Civil Governors of Colonies.

No. 9.

The OFFICER Commanding the Troops to his Excellency the GOVERNOR.

(No. 2,654.)

SIR, Taranaki, 12th July 1860.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 26th ultimo, No. 88, on the subject of advances from the Treasury Chest for Militia purposes. Having transmitted a copy of the same, with the Circular enclosed therein, to the Senior Commissariat Officer, I now forward for your information a copy of his reply thereto.

I have, &c.
(Signed) C. E. GOLD,
Colonel Commanding the Forces.

His Excellency the Governor,
&c. &c. &c.

Enclosure in No. 9.

LETTER from Assistant Commissary General JONES to MAJOR OF BRIGADE, dated Commissariat, Taranaki, 10th July 1860, will be found printed at page 135.

NEW ZEALAND.

No. 10.

No. 10.

The GOVERNOR to the OFFICER Commanding the Troops.

(No. 127.)

Government House,
Auckland, 27th July 1860.

SIR,

I HAVE the honour to acknowledge the receipt of your letter dated the 12th July 1860, enclosing a copy of a letter from the Senior Commissariat Officer. That Officer observes that the Horse Guards is no authority on Finance matters, but appears not to have observed that the Instructions referred to are those of Her Majesty's Secretary of State for the Colonies, dated 22nd October 1857, covering a Memorandum from the Horse Guards, dated 12th September.

I enclose for your information a Minute of the Attorney-General, by which it appears that the Senior Commissariat Officer has not taken a correct view of the case.

I forward also by this mail a requisition prepared by the Attorney-Generul in accordance with the Despatch and Memorandum before referred to.

I have, &c.
(Signed) T. GORE BROWNE,
Governor.

The Officer Commanding the Forces
in New Zealand, Taranaki.

Encl. in No. 10.

Enclosure in No. 10.

MINUTE by Mr. WHITAKER on Assistant Commissary General JONES' Letter.

23rd July 1860.

Mr. Jones says, "If I am correct in understanding that his Excellency contemplates drawing lump unestimated sums from the Chest for Militia expenditure, I beg to submit the following observations."

It appears to me that Mr. Jones is altogether incorrect in his supposition; and I cannot see, after a perusal of all the papers, a single sentence to support it. It is clear to me that the Governor, in his Despatch of the 26th of June 1860, has not proposed to draw a "lump sum," or, indeed, any sum whatever; but has proposed, in accordance with the Horse Guards Circular of the 12th of Sept. 1857, to hand to the Officer Commanding Her Majesty's Forces a requisition to issue such advances as may be necessary to meet the Militia expenditure; and it is distinctly stated that "the supply of the Militia will be governed and administered in the same manner as that of the Queen's Troops."

It is unnecessary to go into the question of the propriety of the course proposed by the Governor, as Mr. Jones' observations are not directed against that, but against something purely imaginary.

I forward a draft of what appears to me to be a proper requisition to the Officer Commanding.

(Signed) FRED. WHITAKER.

Sub-Encl. in No. 10.

Sub-Enclosure to Enclosure in No. 10.

COPY OF REQUISITION.

(No. 126.)

Government House,
Auckland, 27th July 1860.

SIR,

THE Colonial Treasury of New Zealand being unable to meet the expenditure for the Clothing, Arms, Rations, and Pay of the Officers and Men of the Taranaki Militia, I hereby make a Requisition, in accordance with the Secretary of State's Despatch, 22nd October 1857, that you will authorize by your Warrant the issue of such advances as may be necessary for this purpose, and to request that you will be good enough to consider this Requisition as covering the advances already made, as well as those hereafter to be made on that account.

I have, &c.,
(Signed) T. GORE BROWNE,
Governor,

The Officer Commanding the Troops
in New Zealand, Taranaki.

No. 11.

UNDER SECRETARY to the ACTING BRIGADE MAJOR.

NEW ZEALAND.

No. 11.

(No. 42.)

Colonial Secretary's Office,
Auckland, 26th May 1860.

SIR,

I AM directed to acknowledge the receipt of your letter of the 9th instant, inquiring whether the Militia and Volunteers were to draw forage allowances for bât horses, and, in reply, to inform you that the Government cannot sanction such an allowance.

I have, &c.,
(Signed) W. GISBORNE,
Under Secretary.

The Acting Brigade Major,
Taranaki.

No. 12.

No. 12.

UNDER SECRETARY to the DEPUTY ADJUTANT GENERAL OF MILITIA, AUCKLAND.

(No. 31.)

Colonial Secretary's Office,
Auckland, 8th June 1860.

SIR,

I HAVE the honor, by direction of Mr. Stafford, to enclose a copy of the letter noted in the margin, on the subject of the payment of Militia Officers who are also in the Civil Service of the General or Provincial Governments, and to request you to be good enough to communicate the rule to be observed on this head to Officers commanding Battalions (except Major Trafford, to whom I have already written), for their information and guidance.

I have, &c.
(Signed) W. GISBORNE,
Under Secretary.

The Deputy Adjutant General of Militia,
Auckland.

Enclosure in No. 12.

Encl. in No. 12

(No. 30.)

Colonial Secretary's Office, Auckland, 8th June 1860.

SIR,

I HAVE the honor, by the direction of Mr. Stafford, to acknowledge the receipt of your letter of the 2nd ultimo, on the subject of the pay to be drawn by Militia Officers who are also in the Civil Service, either of the General or Provincial Governments, and in reply to inform you that the following uniform rule is to be observed with respect to the payment of such Officers.

When the Military duties are performed within the usual hours of Civil Service, no Militia pay is to be drawn, but when the Military duties require additional and extra time for their performance, half the Militia pay is to be allowed.

Civil Officers doing duty as Adjutants are in all cases to receive half the pay of an Adjutant.

The presentation of this letter to the Sub-Treasurer will be sufficient authority for payment, upon your certificate of the services performed of this kind.

I have, &c.
(Signed) W. GISBORNE,
Under Secretary.

Major Trafford,
Commanding Wellington Militia, Wellington.

No. 13.

No. 13.

UNDER SECRETARY to Major TRAFFORD.

(No. 54.)

Colonial Secretary's Office,
Auckland, 9th July 1860.

SIR,

IN reply to your letter of the 21st ultimo, forwarding copies of the Estimates of the pay for the Wellington Militia, I am directed to request you to reduce the detail of Officers and Non-commissioned Officers, exclusive of the Staff, appointed to each One hundred Rank and File, to the following numbers:—

One Captain,	The Staff to consist of
One Lieutenant,	The Officer Commanding,
One Ensign,	One Adjutant (acting as Paymaster),
Four Serjeants,	One Surgeon,
Four Corporals, and	One Serjeant Major,
One Bugler.	One Corporal, and
	One Bugler.

I have, &c.
(Signed) W. GISBORNE,
Under-Secretary.

Major Trafford,
Commanding the Militia, Wellington.

NEW ZEALAND.

No. 14.

No. 14.

UNDER SECRETARY to MAJOR TRAFFORD.

(No. 58.) Colonial Secretary's Office,
Auckland, July 9, 1860.

SIR,

I AM directed by Mr. Stafford to acknowledge the receipt of your Letter of the 20th ultimo, with respect to the reduction of the Militia Officers receiving pay.

My letter to you, No. 54 of even date herewith, will place you in possession of the Instructions of the Government relative to the reduction in question.

Colonel Gold having reported that pay was issued to Ten Officers and only One hundred Men at Wellington, the object of my Letter of the 9th ultimo was to caution you against unnecessary expense made under this head.

With respect to the last paragraph in your Letter relative to the mode of correspondence with you on Militia matters, I am directed to inform you that, in the absence of Colonel Gold from Auckland, it would be impossible to send through him Instructions to you, and that the question of the effective strengh of a Colonial force to be kept on duty is one for the consideration of the Government rather than of the Officer Commanding Her Majesty's Troops.

The permanent departmental Staff for regulating Militia matters and the system dependent upon it has not been finally determined, and until the Estimates for that Service have been passed by the Legislature, the present arrangements with respect to it are provisional only.

I have, &c.
(Signed) W. GISBORNE,
Under Secretary.

Major Trafford,
Commanding the Militia, Wellington.

MS. Encl. No. 2 in No. 47.

MS. Enclosure No. 2 in No. 47.

MEMORANDUM by the UNDER SECRETARY.

I would beg to draw the attention of the Honourable the Colonial Secretary to the 3rd paragraph of the Horse Guards Circular Memorandum of 12th September 1857 (published in the New Zealand Gazette of 1858, page 26.)

It seems clear from that paragraph that, when Militia are called out, the Requisition of the Governor —*in itself and without any guarantee or other addition*—renders it imperative on the Officer Commanding the Troops to order the necessary advances from the Commissariat chest for the clothing, arms, rations, and pay of such Militia.

I think that a considerable amount of unnecessary delay and correspondence would be saved, if an arrangement were made by which the Governor could, once for all, make a requisition on the Military Authorities for the necessary advances for the supply of the Militia,—*exactly on the same terms as that of the Queen's Troops,*—the expenditure of such advances being left, for the sake of convenience and economy, in the hands of those Military Authorities, thus obviating the necessity of a twofold set of accountants and contractors.

I cannot see any valid objection to one Requisition for this purpose. The wording of the last three lines of the paragraph appears quite to contemplate the issue of *one* Requisition and *one* Warrant for "such advances as may be considered necessary for the purposes in question." There could be no difficulty about the nature and quantity of supplies required, because the supply of the Militia being on the same terms as that of Queen's Troops, the same definition would include both. The keeping of military accounts would not be complicated, inasmuch as both sets, purely Militia and purely Military, would be under the same regulations. The supply of the Militia with food, clothing, &c., would above all be as uniform, regular, and immediate as that of a Queen's Regiment. This is at present not the case.

There is at present another point to which I would draw attention. The correspondence on the subject of Militia supplies is, in some instances, encumbered with a guarantee (supposed to be essential) from the Colony for the repayment of advances. It seems to me doubtful whether in the case of Militia being called out any such guarantee is necessary. The Horse Guards Circular of 12th September, 1857, in no way alludes to it. The subsequent War Office Despatch (out of which I suppose the question of guarantee has arisen) does not, without a stretch of its meaning, contemplate such a state of affairs as the calling out of a Militia force and its embodiment with the Queen's Troops. It rather refers to cases in which from time to time, under emergency, the Colonial Government may require certain articles, as guns, powder, ordnance stores and the like belonging to the Imperial Government. The charge of 15 per cent. as departmental expense, which it specifies as an addition to the cost price, when repayment is demanded, clearly does not apply to rations, &c. for Militia. On the other hand, the Horse Guards Memorandum indubitably refers to the very case, now in existence, and plainly lays down the course to be pursued.

It is not, I think, unreasonable to infer that in case of a necessity arising "for the defence of the "Colony against aggression, or for the preservation of public tranquillity," the Imperial Government does not require a guarantee from the Colony for the repayment of war expenses. That question appears tacitly to be left for future adjustment between the mother country and the colony according to the circumstances of the particular case which had arisen. For instance, in the case of foreign aggression arising out of a European War, such a condition would manifestly be unfair, while, perhaps, in the case of riots, &c. directly caused by the colonists themselves it would not be improper.

(Signed) W. GISBORNE,
Under Secretary,
19th June 1860.

The Honourable the Colonial Secretary,
&c. &c. &c.

No. 48.

COPY of a DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 101.)

Government House, Auckland, New Zealand,
October 2, 1860.

MY LORD DUKE, (Received Dec. 15, 1860.)

I HAVE the honour to forward for your Grace's information, copies of my correspondence with Major General Pratt, C.B., in continuation of my Despatch No. 95*, of 4th of September last.

*Page 125.

Your Grace will perceive that I have urged the General to adopt the most energetic measures; that I have, upon my own responsibility, authorized him to incur whatever expense he may find absolutely necessary to enable him to put an end to this unhappy insurrection, and assured him of every support in my power to give.

The want of success on our part at Taranaki has so elated some of the tribes residing on the Thames and its neighbourhood, that Auckland has been threatened with a night attack, and there can be little doubt that various combinations against us will be made in all parts of this island, unless we are able to convince the Maoris that permanent success on their part is hopeless.

On reference, I find that on the 3d March last there were at Taranaki four hundred and twenty-three regular troops (including serjeants), three hundred militia and volunteers, and the crew of H.M.S.S. "Niger." At this time Wm. King had not more than three hundred men with him: there was no reason to suppose that other tribes would join him; and if Colonel Gold had been successful in his attack on King's pah (16th March), it is more than probable they would not have done so.

During March, two hundred men of the 65th Regiment joined the force at Taranaki, and on the 28th of that month the skirmish at Waireka took place, in which the crew of the "Niger" took so prominent a part.

Since that time considerable reinforcements have been received from Australia, making up the total force at Taranaki on the 26th September to two thousand three hundred and fifty-nine rank and file. Of these two thousand are certainly available, and are as fine a body of men as any in Her Majesty's service. The strength of the insurgents, as far as I can learn from the best information, has never exceeded two thousand men, and it was not until after the Waikato contingent (supposed to amount to three hundred men) arrived, that they appeared at all in considerable numbers.

In making these statements I do not in the least desire to underrate the many and great difficulties which Colonel Gold and General Pratt have had and still have to contend with both as relates to the country occupied, and to the mode of fighting adopted by the rebels; but I wish your Grace to see that when I went to Taranaki on 1st of March I had every reason to suppose that the force under Colonel Gold's command was more than sufficient to put down any opposition to the survey which could have been foreseen or reasonably expected; and that since that time it has not been unreasonable to expect that the force at Taranaki (which has always been more numerous than that of the insurgents) would have been able to bring them into submission.

Various causes have interfered to prevent the accomplishment of our hopes and wishes, and will I fear lead to further combinations and greater difficulties.

I cannot conclude this Despatch without observing that nearly all our force is necessarily concentrated at Taranaki in the hope of striking an effective blow there, and that Auckland and the other settlements are insufficiently protected and by no means free from danger.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

P.S.—I enclose memorandum of a statement made to me by the native chief Tumati Ngapora.—T. G. B.

NEW ZEALAND.

Enclosure 1 in No. 48.

General PRATT to the GOVERNOR.

Encl. 1 in No. 48.

SIR, Head Quarters, New Plymouth, Taranaki, September 8, 1860

IN continuation of my letter of the 30th ultimo, I have the honour to state, for your Excellency's information, and that of the general Government, that H.M.S. "Fawn" having arrived in this port, Commodore Loring was kind enough to send her to Wellington to bring up two heavy guns which were required.

Finding from a report made to me by friendly natives that the Pukutotura pah on the Wairakaihi was evacuated, and that they were in it, I sent out a party of soldiers on the 2nd instant and destroyed it; it was from this pah that the marauding parties of the enemy used to issue. On the same day two pahs between the Bele Block and the Waitara named "Ti Puki" and "Te Tinia" were destroyed by the 12th regiment stationed at the Hua.

On the 3d instant two pahs named Kirihi and Sikiringi on the north bank of the Waitara belonging to W. Kingi were destroyed by Major Nelson; all these pahs had been deserted by the enemy.

On midnight of the 4th instant I proceeded to Burton farm, about six miles from this on the Omata Road, with a force of 700 men divided into three columns, in the hope of surprising a considerable party of the rebels who were observed there: but though the right column, with which I was, reached the position an hour before daylight, we found that the enemy, either from information obtained, or some other cause, had left the place shortly before.

I withdrew the detachment stationed at the Waireka on the 7th instant, with a view of concentrating the forces preparatory to further operations.

In communication with Mr. McLean, chief commissioner, whose services are most valuable to me, I thought it advisable to complete the survey of the block of land purchased by Her Majesty's Government at the Waitara, and a surveying party proceeded to do so on the 5th inst.

I enclose a copy of a document ftom Mr. McLean, and beg to add that the recommendation was at once complied with.

I have, &c.
(Signed) T. S. PRATT,
Major General Commanding.

To his Excellency Colonel Gore Brown, C.B.,
&c. &c. &c.

Sub Encl. in No. 1.

Sub-Enclosure in No. 1.

Taranaki, September 3, 1860.

Recommended that a sum of 50*l.* as an advance from the military chest, subject to future adjustment, should be paid to the native chief Mahan, for his general zeal and fidelity as an ally of the English, and in recognition of his services on Saturday last in taking possession of the Puketotara pah.

(Signed) DONALD MCLEAN,
Native Secretary.

(True copy.)
(Signed) H. CANY, Lieut.-Colonel,
Deputy Adjutant-General.

Encl. 2 in No. 48.

Enclosure 2 in No. 48.

GENERAL PRATT to the GOVERNOR.

Head Quarters, New Plymouth, Taranaki,
SIR, September 12, 1860.

I HAVE the honour to state for the information of your Excellency and the Government, that having received information through the native department that three large pahs named "Ngtai-pariruia," "Kairan," and "Huirangi," were occupied by the rebel Maoris, I determined to retain them, if possible, within their pahs, and to attack them.

With this object I moved from New Plymouth on the 10th instant, with a force of all arms of about 750 men, and encamped at "Mahatahi" pah; from thence I directed a division of my force under Lieutenant-Colonel Leslie, 40th regiment, accompanied by Mr. Parris and some friendly natives, to proceed so as to arrive before daylight on the 11th instant, and take up a position to the right and rear of the pahs, with a view to intercept the retreat of the enemy, if they attempted to evacuate the pahs or to prevent reinforcements reaching them from "Manutahi." Simultaneously and with the same object I directed another division, under Major Nelson, 40th regiment, accompanied by the Naval Brigade, under Commodore Loring, C.B., and Captain Beauchamp Seymour, to proceed along the banks of the Waitara and take up a position to the left and rear of the pahs; also before daylight, both these divisions carried out their instructions most fully.

The centre division under Major Hutchins, 12th regiment, with myself and staff, the artillery, &c., moved along the Devon Road to the "L" pah, about two miles from the Waitara camp, when being joined by some heavy guns and rockets, which I had ordered to meet me there, I proceeded in the direction of the pahs, through high fern, and arrived before "Ngtai-parirua" about 8 o'clock; it appeared evacuated, and having fired a few shells and the advanced skirmishers having marched cautiously up to it, found it empty; it was not so strong as I had been led to believe, and it was destroyed and burnt; the whole neighbourhood of this pah, and in deep ditches round it, were filled with dead sheep, killed evidently for the mere sake of destroying European property.

Encl. 3 in No. 48.

BEACH ROAD

Puhata

Ngahuinga

Pukatapu

Kaiparera

R.

MANGAORAKA

Te Whainga

Block Ho

Camp Waitara

Poukohatu

Otarakan

DEVON ROAD

Mahoetahi

Te Kohia

Pukeruru

Ngapuke

Pukekohata

Puketakauere

Onukukaitara

Ninia

Te Puke

Tima

WAIONGONA R.

WAITARA R.

Kaipakopako

line of forest

Ngataiparirua

Matarikoriko

Kairau

Kirikiriraumate

Kotewaiamaha

Manutahi

Line of Forest

Hurangi

Mataitawa

Pukerangiora

Kairoa

Mangaroa R.

On hearing our fire the right and left divisions closed upon us and they advanced upon "Kerim" pah, which was about 900 yards from "Ngtai-parirua," that also was found undefended and was entered by Major Nelson's division. This pah was understood to be occupied by Hapurona, W. King's fighting chief; was very strong, and surrounded inside by rifle pits, and covered passages of the most ingenious construction; it was destroyed and burnt.

The troops then proceeded to the "Huirangi" pah, about 1200 yards in rear of Kerim and close upon the bush, between which Maories were seen passing to and fro, and before I could get some shells, which I had ordered to be thrown into the bush in its rear, it was entered by Thias natives and the advance of Major Nelson's division, and found empty. Major Nelson's division then proceeded towards a small pah to the left, but had not gone a few hundred yards when his advance was fired upon from an ambuscade in the bush; shot, shell, and rockets were thrown in upon the unseen enemy who kept up a smart fire, happily with little effect, and as it was impossible to penetrate the dense bush without heavy loss and little gain, and having accomplished what was intended and burnt the "Huirangi" pah, as also another small pah to the right by Major Hutchins, I directed the troops to return to the camp at the Waitara, which they did in perfect order; and even then the Maories would not show themselves outside the bush. The casualties were one man missing, supposed killed, and four wounded, mostly slightly.

I have only to add that though disappointed in not finding the rebels in the pahs, I am informed by Mr. McLean that the destruction of the four pahs will be attended with very good results; and I must add that Mr. McLean, who accompanied me, has been of the greatest assistance, as also Mr. Drummond Hay, who a night or two before our move, reconnoitred the pahs at considerable risk and ascertained their position and occupants.

The troops of all arms marched during the night through a difficult country in the most excellent order and the officers conducted their respective duties in a manner which was all I could wish, and which I have not failed to bring to the notice of the home authorities.

I enclose a tracing of the country which was furnished to each leader of a division and which will render this despatch more intelligible.

I have, &c.,

His Excellency Colonel Gore Brown, C.B., Governor and Commander-in-Chief, New Zealand.

(Signed) J. S. PRATT, Major General.

Enclosure 3 in No. 48.

Encl. 3 in No. 48.

The GOVERNOR to Major-General PRATT, C.B.

SIR, Government House, Auckland, September 18, 1860.

I HAVE the honour to acknowledge the receipt of your letters, dated 8th and 12th of September, detailing the operations of the troops under your command, and the destruction of various pahs belonging to the rebels.

I join with you in lamenting that you have been unable to make any serious impression upon them, and am aware that they and the tribes who sympathise with them will construe their escape and the retirement of the troops into a success on their own part.

The season which is about to commence is, however, that in which the Maoris usually occupy themselves in planting, and is the time when they may be most successfully harassed; I have no doubt, therefore, that a system of sudden, secret, and constant attack, when and where they least expect it, conducted by energetic officers, confident of support at appointed places, acting with enough of personal responsibility to excite ambition, will so distress the natives in your neighbourhood that when their allies return both parties will be disheartened and glad to end their trouble by submission. I am sure that a force encumbered with baggage can never overtake men so active and so alert as the Maoris have proved themselves to be.

The difficulty of carrying out such a system of guerilla warfare with regular troops is no doubt very great, but unless you can effect your object during the ensuing season the war may be continued indefinitely.

I venture to suggest the employment of officers and men who are willing to volunteer for this sort of service on being assured of support, and that no exertion should be spared to clear the land round and between the positions you intend to occupy; for this last purpose natives or settlers might be employed and paid in the manner you think right.

It would be, of course, absurd to urge you to undertake operations, and at the same time suggest the reduction of your force, I beg, therefore, to say that though I forward Commodore Loring's letter for your consideration, I shall have no hesitation in requesting that the naval brigade may not be removed, unless you are satisfied it can be done without interfering with the operations you will doubtless think it necessary to undertake without loss of time.

I cordially agree in your opinion as to the necessity of large reinforcements for the protection of the settlements generally, and to enable us to meet other combinations which may arise after the planting season is over; but no reinforcements can place us in a better position than we are in at the present time at Taranaki, where our numbers are considerably in excess of those which the Maoris can collect. In November this proportion may be reversed even should we receive considerable reinforcements in the meantime.

I beg again to assure you of my earnest desire to co-operate most cordially with you, and to supply all that you may require as far as it is in my power to do so.

I have, &c.

Major-General Pratt, C.B., Commanding Her Majesty's Forces, Taranaki.

(Signed) T. GORE BROWNE.

NEW ZEALAND.

Encl. 4 in No. 48.

Enclosure 4 in No. 48.

(No. 297.)

Head Quarters, New Plymouth, Taranaki, September 29, 1860.

SIR,

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 18th instant, received on the 25th instant, and with reference to the first paragraph to state that whilst in my despatches I regretted that the rebels did not remain to defend their pahs and positions, still I consider that the destruction of the pahs before their eyes and their being obliged to retire to the bush cannot but be attended with good results, and in this opinion I am coincided in by those whose knowledge of the native character is unquestionable.

Your Excellency expresses an opinion that the season which is now about to commence being that in which the Maories usually occupy themselves in planting, is the time when they may be most successfully harrassed, and that a system of secret, sudden, and constant attack, when and where they least expect it, will greatly distress and dishearten them: and, further, that the troops so employed ought not to be encumbered with baggage.

Before entering upon this, I think it desirable to recapitulate as shortly as possible the state in which I found this province on my landing on the 3rd of last month, and the events which have occurred since that date.

I found the settlers driven in from their farms, their cattle seized, and other property destroyed, many of their homes burnt, the enemy in the immediate vicinity round the town, an attack on it avowedly threatened, the place crowded with women and children, whose only safety was the presence of the troops, and the defences in a very imperfect state.

The total armed force in the whole province, naval brigade, militia, and volunteers included, amounted to 2,292 rank and file, of which 955 were stationed at various outposts, which, being constantly threatened by the enemy, could not be abandoned; of the remainder, about 340, including the greater majority of the militia and volunteers, were non-effective, either from sickness or from being engaged in civil employment. Thus the whole available force at my disposal in, and in block houses about the town, amounted to 1,000 or thereby.

No certain information could be obtained with regard to the numbers of the enemy, which was estimated by those best able to judge, at about 1,700, who were divided into two bodies, one of which, consisting of W. Kingi's followers, assisted by some of the Waikatos, occupied the strong pah Puketakanere, little more than a mile from the camp on the Waitara. This pah was connected with the bush by a chain of smaller pahs, some of them of considerable strength, by which the enemy were enabled to bring reinforcements to the front with great ease and rapidity.

The other body comprised the southern natives, Taranakis, and Ngatiruanuis, who were busily engaged in the construction of considerable works within a few hundred yards of the Waireka camp.

These two bodies were able to communicate freely with one another under cover of the forest which, as your Excellency is aware, extends to within a short distance of the town, and from which detached parties of the rebels were in the habit of creeping out, sometimes by day, but more frequently by night, for the purpose of murdering stragglers, and plundering and burning the property of the settlers; but although the enemy were usually distributed in the manner just described, there was nothing to prevent them from uniting their whole force at any time, either on the town itself, or any other part which they might consider assailable.

Your Excellency will observe, therefore, that before undertaking any active operations in the field, with a sufficient force, it was indispensable that the safety of the women and children should be secured by the completion of the defences of the town, and by the removal of as many of them as possible to a distance from the seat of war: for the former of these I took immediate steps by entrenching and stockading a limited enceinte with a view of reducing the number required for the defence of the town, and thus giving more disposable men for the field, and I practised the garrison at occupying the lines they were to defend: for the latter I embarked the families to the extent in my power, and proceeded to Auckland with a view of arranging this and other matters with your Excellency.

Your Excellency and the general Government having authorized me to send to Nelson as many of the women and children as I might think desirable, and having made arrangements for their transport, I lost no time, after my return to New Plymouth, on the 28th August, in causing to be warned for embarkation as many of them as the vessels placed at my disposal were able to accommodate. I regret to say, however, that in my endeavours to carry out this very desirable measure, I did not meet with that cordial co-operation on the part of the civil authorities of the province, which, in the delicate position I was placed in, I had a right to expect, and the people showed so much unwillingness to leave the place, that after only about 112 women and 282 children had been shipped, I found that without resorting to actual force, no more could be induced to go. Under these circumstances, I found myself most reluctantly compelled to abandon a measure which I believed to be essential to the efficient prosecution of the war, and the sanitary state of the town.

In the meantime I neglected no opportunity of attacking the enemy whenever he showed himself. On the 20th August a number of rebels having been seen on the cleared ground near Elliott's farm, I despatched a party of 250 men under Lieut.-Colonel Murray 65th regiment, who, after a skirmish, in which the enemy suffered some loss, with no casualty on our side, drove them back into the bush. The detachment at the Waireka under Major Hutchins 12th regiment, succeeded on several occasions in inflicting loss on the enemy without any casualty on our part.

On my return from Auckland I found that the enemy had abandoned their strong positions at Puketakanere and Waireka, which were immediately destroyed by the troops, and a large portion of them left the neighbourhood, the Waikatos going north, and the Ngatiruanuis and a part of the Taranakis south. I have not been able to learn the cause of this sudden and unexpected alteration in their plans, but it is certain that whatever may have been the motive it cannot have been long premeditated as nearly up to the day of their departure they continued to improve their defensive works, which, at Waireka especially, were of very considerable extent, and must have cost them a vast amount of labour. I looked upon this movement as a subject rather of regret than of congratulation, as it

prevented me from carrying out my intention of attacking Puketakanere, the position of which, owing to its distance from the bush, offered perhaps a more favourable opportunity than any which is likely to occur again of surrounding and cutting off the retreat of the rebels; the result of which has been to convince me of the utter hopelessness of all endeavours to prevent their escape from any place which they do not intend to defend. I cannot, however, agree with you in thinking that these operations can by any possibility be construed by them into a retirement on the part of the troops, and a success on their own. The actual state of the case is as follows.

During the past few weeks the troops under my command have destroyed between twenty and thirty pahs, many of them very recently built, and provided with rifle pits and other defences constructed in the most careful and elaborate manner. The rebels did not venture to defend any of these places, but deserted them all on the approach of the troops, in some cases in such haste that on our entry we found meat half-cooked on their fires. We have also destroyed a great number of "whares," or native habitations, and a considerable quantity of provisions.

During the whole of this period the enemy have been suffering very severely from sickness, caused by privation and exposure; and I have certain information that they have lost a good many men, including several of their most influential chiefs, who have been killed in action or have died of their wounds. The whole of our casualties, on the other hand, throughout all these operations, amount to only one man killed and four wounded. I cannot conceive that such a result can be looked upon as a success on the part of the enemy.

The plan which your Excellency proposes of harrassing them by secret, sudden, and constant attacks by bodies of troops without baggage is, in my opinion, impracticable. It is impossible to surprise them, as the scouts, who are constantly on the watch about their pahs, will always give them sufficient notice to enable them to effect their escape, should they be desirous of doing so, or to prepare for defence if they mean to remain. Experience has proved that to send troops unprovided with artillery to attack a pah entails certain failure, accompanied with an useless loss of men and of prestige. I consider it of the highest importance, not only to the successful termination of the present war, but to the future peace of the colony, that the Maories should become convinced of the superiority of the troops in warfare, and of the hopelessness of their endeavouring to gain any material advantage over us; and I cannot think that it would be wise or justifiable knowingly to place the troops in a position in which that superiority would disappear or perhaps be converted into inferiority.

I arrive at a different conclusion from the opinion expressed by your Excellency that the present excess of our numbers over those of the enemy in this province places us in a more favourable position for the prosecution of the war than we shall probably be in two or three months hence, when the proportion may be reversed. On the contrary, the principal difficulties with which I have now to contend arise from this very cause; and I am satisfied that any increase in their numbers which might give them sufficient confidence either to defend a pah in an accessible position, or to accept battle in the open country, would lead to a much more satisfactory result than a lengthened continuance of the present state of affairs.

In conclusion, I beg to assure your Excellency that no exertion that I can make, or no opportunity, shall be lost of harrassing the enemy in any way in my power, and thus endeavouring to terminate this unhappy war.

I have, &c.
(Signed) T. S. PRATT,
Major General Commanding.

His Excellency Colonel Gore Browne, C.B.,
Governor and Commander-in-Chief,
&c. &c. &c.

Enclosure 5 in No. 48.

Encl. 5 in No. 48.

The GOVERNOR to Major General PRATT, C.B.

Government House, Auckland,
October 2, 1860.

SIR,

I HAVE the honour to acknowledge the receipt of your letter No. 297, dated September 29, in which you state that the plan "of harrassing the insurgents by secret, sudden, and constant attacks by bodies of troops without baggage," is, in your opinion, impracticable.

I agree with you entirely in thinking that it is of the "highest importance, not only to the successful termination of the present war, but to the future peace of the colony, that the Maoris should become convinced of the superiority of the troops in warfare, and of the hopelessness of their endeavouring to gain any material advantage over us." For this reason I suggested a measure which has not yet been tried, but I beg you not to suppose that I desire to interfere in any way in the conduct of military operations, or do more than offer for your own consideration a suggestion which had occurred to others as well as myself.

I have, &c.
(Signed) T. GORE BROWNE.

Major General Pratt, C.B.,
Commanding Her Majesty's Forces, Taranki.

NEW ZEALAND.

Enclosure 6 in No. 48.

Encl. 6. in No. 48.

(No. 289.)

Head Quarters, New Plymouth, Taranaki,
September 25, 1860.

SIR,

	F.O.	Cap.	Sub.	Serj.	D.	R. & F.
R. Artillery -	–	1	–	1	–	16
R. Engineers -	–	1	–	1	–	12
12th Regt. -	1	1	4	6	1	150
65th Regt. -	–	2	6	16	4	250
Militia - -	–	2	4	4	2	62
Mounted Corps	–	–	–	1	–	10
Total -	1	7	14	29	7	500

I HAVE the honour to report, for the information of your Excellency and the General Government, that, with a view of harassing the tribes to the South, I directed a flying column, strength as per margin, under the command of Major Hutchins, 12th Regt., to proceed to the Tataraimaka block, and to attack certain pahs said to be erected therein, and any stockades along the road. The party proceeded on the 19th instant, and by the reports sent to me reached Oakura on the first day without meeting any opposition.

On 20th instant they entered the block, and found and destroyed five pahs with double stockades, strongly entrenched, and placed in echellon, a set of strong rifle pits, and three villages. These the enemy had deserted on the approach of the column, using the tactics they now assume of vacating all pahs in the open country which could be invested, and trusting to those pahs so situated on the edge of the bush, or within it, as will enable them to retire on being pressed without the possibility of being surrounded.

Major Hutchins then crossed the Katikara river, and pitched his camp about a mile beyond it, and proceeded with a strong reconnoitering party along the road, under what he considered reliable information that there was a small pah a short distance in advance. After a march of about three miles through a very difficult country, he found that three pahs, one very strong and newly erected, were in the bush on his left, and which it was impossible to surround. Under these circumstances he returned to his camp, and carried out the instructions he received, which were to remain three days, and clear the Block of the enemy, &c. &c., driving in any cattle he could find, and returned yesterday to New Plymouth.

During these operations the weather was exceedingly tempestuous, and the roads nearly impracticable for heavy guns. All the steamers put to sea, and the "Wonga-Wonga," which left the Manukau on 18th instant with your despatches, only arrived in the roads this day.

I am now getting all information with respect to what can be done against the southern tribes; and Captain Seymour, R. N., has been kind enough at my request to say he will proceed to the South with a view to obtain information relating to any landing places there may be.

It is stated that in about a fortnight the weather will be more favourable, and I shall endeavour in every way to harrass the enemy by continual movements of troops, and stop the cultivation of potato and other crops in the open country; and I am informed that the Taranaki and Ngatiruanui tribes have quarrelled, and that the latter have not only taken away from the former any plunder they had obtained, but have in addition plundered the Taranaki tribes of any property they had of their own.

By this expedition, and the former one on the 10th instant, the enemy have been much harrassed, and many of their fortified places destroyed.

The tribes who, it is supposed, were cultivating, have been obliged to leave their fields and assemble to protect their stockades, which have been burnt under their eyes, without being able to inflict any loss on us: a continuance of this will, I feel sure, have more effect in bringing the war to an end than any attack on places in the bush where, though success would attend our arms, still the loss would be severe, and the enemy must after all unavoidably escape.

I have, &c.
(Signed) T. S. PRATT,
Major-Gen. Commanding.

His Excellency Col: Gore Browne, C.B.,
Governor and Commander-in-Chief,
&c. &c. &c.

Encl. 7. in No. 48.

Enclosure 7 in No. 48.

The GOVERNOR to General PRATT.

(No. 89.)

Government House, Auckland,
18th September 1860.

SIR,

IN reply to your letter, dated 14th Sept. 1860, relative to the hire of the steamer "Rapid," I have the honour to inform you that my responsible advisers consider that the Colonial Government has no right to interfere as to the hire, or to be called upon to defray the cost of vessels chartered for commissariat purposes. It is, however, clearly understood by both the Ministers and myself that the whole question of expense is left for future adjustment between the mother country and the colony. Under these circumstances it will rest with you to engage the services of a steamer, if you find such service necessary, and to give instructions for the hire of any particular vessel which you think best suited to the purpose.

The expense will, of course, be at first defrayed by the Commissariat Department, and be subject to the same final adjustment as other matters connected with the war.

(Signed) T. G. BROWNE.

Major-General Pratt, C.B.,
Commanding Her Majesty's Forces, Taranaki.

Encl. 8. in No. 48.

Enclosure 8 in No. 48.

The GOVERNOR to General PRATT.

(No. 91.)

Government House, Auckland,
18th September 1860.

SIR,

IN reply to your letter, dated 12th September, covering an application from certain settlers at Raglan for military protection, I have the honour to inform you that the letter has been shown to

Mr. M'Lean, the Native Secretary, who observes "that sending troops to Raglan would result in a general war with the Waikato. In this opinion I concur.

(Signed) T. GORE BROWNE.

Major-General Pratt, C.B.,
Commanding Her Majesty's Forces, Taranaki.

Enclosure 9 in No. 48.

Encl. 9. in No. 48.

The GOVERNOR to General PRATT.

Government House, Auckland,
September 28, 1860.

SIR,

IN order to prevent delay or hindrance in the operations you may find it necessary to undertake, I hereby authorise you to incur any expense which you find to be indispensable for their being carried out effectually.

In giving this authority, I necessarily assume considerable personal responsibility; I am, however, quite satisfied that you will not incur any expense which can be avoided without detriment to the service, and am well convinced that it would be false economy to spare any outlay which will tend to bring this unhappy insurrection to an early conclusion.

I have, &c.
(Signed) T. GORE BROWNE.

To Major-General Pratt, C.B.,
Commanding Her Majesty's Forces, Taranaki.

Enclosure 10 in No. 48.

Encl. 10. in No. 48.

The GOVERNOR to General PRATT, C.B.

Government House, Auckland, New Zealand,
September 24, 1860.

SIR,

I HAVE the honour to forward for your information certain documents relative to an attack upon Auckland, which appears to be contemplated by the Ngatimaniapoto tribe, part of whom have returned from Taranaki, laden with the plunder of the settlers.

Under these circumstances I have to request that you will permit the Naval Brigade, with exception of the men belonging to H. M. ship "Pelorus," to be embarked and return to Auckland.

Commodore Loring writes to direct H. M. ship "Niger" to return to the Manukau, and H. M. ship "Fawn" to come to Auckland Harbour, which I trust they will do without delay. If you can spare the "Victoria" she would be a valuable acquisition in the Manukau, and would enable me to communicate with you quickly should the danger become more imminent, in which case I should have to request you to detach some part of your force to our assistance.

I have written to Lieut.-Colonel Kenny, to acquaint him with what we have heard, and request him to take whatever steps may be necessary to protect the town and district of Auckland.

I have, &c.
(Signed) T. GORE BROWNE.

Major-General Pratt, C.B.,
Commanding Her Majesty's Forces, Taranaki.

EXTRACT from the Minutes of the Executive Council, Monday, September 24, 1860.

The Governor laid before the Council certain letters from natives and others giving information relative to an attack upon Auckland, said to be contemplated by certain tribes in the south, together with a memorandum on the subject (containing recommendations) prepared by the Native Secretary.

The Council, after a full consideration of the case, is of opinion that the information received renders it desirable that some defensive measures be taken to protect the district of Auckland in the event of the incursions of hostile natives. As it is, however, most important that active military operations at Taranaki should not be impeded, the Council advise that the reinforcements for Auckland be drawn altogether from the Naval Force, and with that view, that the portion of the men of the "Iris" now absent be recalled, and H.M. ship "Fawn" also stationed in the Gulf of Hawraki.

The Council further advise that communications on this subject be made to the friendly chiefs, Kawau and Tamati Waka Nene; and that, with a view of possible eventualities, the steamer "White Swan" be further engaged for one month from the the 28th instant, on which day her present contract expires."

(True Extract.)

F. G. STEWARD,
Clerk of Executive Council.

MEMORANDUM by the NATIVE SECRETARY.

Auckland, September 24, 1860.

IN consequence of recent reports from Aotea and Raglan, to the effect that the Ngatimaniapoto of Kawhia, contemplate an attack upon Auckland, I submit for his Excellency's information that, unless more favourable news is shortly received, it would be advisable to have some of the force at Taranaki removed to Auckland, as there does not appear to be any reliable arrangement made for the defence of Auckland in the event of sudden attack.

NEW ZEALAND.

The Waikato have not yet joined in this movement; whether they will interfere to prevent it is no ascertained.

The point of attack would be at the outskirts, about Papakura and Wainku, and might be undertaken by small parties supported by a larger force under cover of the forest in the vicinity of Papakura.

I have requested a friendly chief, connected with the Ngatimaniapoto tribes, to proceed to Kawhia to obtain further intelligence of the intentions of the natives.

(Signed) D. M'LEAN,
Native Secretary.

FRIEND MR. SKINNER,

I HEAR that it has been said that letters have been sent to Ngaruawakie to go and beat (attack) Auckland from Ngatimaniapoto and Ngatihikairo. My letters have now reached them. Great is the evil. Do you consider (ponder over) this word (news) and tell it to the loving friends at Whaingaroa and Auckland.

To Mr. Skinner of Aotea. From HOHUA.

FRIEND THE GOVERNOR, Whangaroa, September 17.

SALUTATION to you! Friend the Governor, your letter, which was written by Mr. Rogan, has come to me; it is right.

This is my word to you respecting the guns; that you should write a letter to the Dr. (Mr. Harsaut) as he is (seeking) waiting for your letter to come to him. Your word to me was, that I should give them out to the tribe. When the chiefs of the Runanga heard it, they said, let them lay with Wiremu Te Awaitaia. If you consent to this, write a letter to the doctor, as he is very sad. Enough of that.

This is another of my words; do you listen to it. I have heard two sayings of the Ngati-Maniapoto and Taraia of Hauraki. These are two words: to attack Auckland. But if it is nothing, O, Governor! do you be well on your guard. Protect Auckland with soldiers. We also will be cautious, because it is being constantly said by the elders of the king party about me that it is right that he should give out the guns to the good men of our tribe and people, whether it pleases the world or not; but I have seen the Ngati-Talunga, Ngati, Mahanga, Tainui, and Ngati-Hourua assembling for a Runanga at Whaingaroa to express their union with me, that is, in the Government. This is also (a word of mine) to you. Have you any cartouch boxes, that is, for the powder to lay in. Do you send thirty by a vessel. O Governor, this is another of my questions to you. Is it by your consent that the people of Kawhia come to buy goods at Whaingaroa? But they do it of their own accord. Be quick and inform me respecting it. I have told them to stay there, never minding the stolen horses of Taranaki (sixty of them).

His Excellency the Governor, Auckland. From WIREMU NERA.

Encl. 11 in No. 48.

Enclosure 11 in No. 48.

MEMORANDUM of Statement made by TAMATI NGAPORA to the GOVERNOR of NEW ZEALAND, on September 27, 1860.

TAMATI Ngapora states that the natives engaged in the conflict at Puketakanere express their great astonishment at the mode of warfare employed by the military forces at Taranaki, by which they continually expose themselves to great loss, although vastly superior in number to the natives. He says, "Why are not the soldiers taught to fight after the native fashion? They cannot help being beaten if they continue to fight as if their antagonists were Pakehas. The natives admire the personal bravery of the soldiers; but say it is the very thing that causes their destruction, for they march steadily and so close together in file, that one bullet will kill two men."

Tamati further states that the natives laugh at the idea of being beaten by the soldiers, and that they have not the slightest idea of giving up to any armed force. They feel fully assured that with the advantage of cover and their knowledge of the country, they are more than a match for any number of soldiers. If peace is to be brought about, the road to it will not be opened by fighting.

Tamati further expresses his conviction that if the natives continue on every occasion to beat the soldiers, as they maintain they hitherto have done, it is to be feared that all the native tribes will forget their old feuds, and join in the contest against us.

Tamati further states that the number of natives actually engaged at the Waitara has been very much over-estimated; that the number of Waikatos, exclusive of men from Kawhia, was only 140, and that of that party not one was killed. Their exclamation, after the fighting was over, was one of extreme surprise, and was followed by the question, "How is it that we all escape?" "Ha! na te alia tatou i ora ai?"

(Signed) ARTHUR G. PURCHAS.

No. 49.

COPY of a DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE of NEWCASTLE.

No. 49.

(No. 106.)

Government House, Auckland New Zealand.
October 22, 1860.
(Received January 19, 1861.)
(Answered No. 8, January 26, 1861, page 269.)

MY LORD DUKE,

I HAVE the honour to forward two Addresses which have been presented to me, one from 436 of the inhabitantsof Wellington, and one from the residents in the valley of the Hutt, ten miles from Wellington.

Address. Inhabitants of City of Wellington.

These Addresses are particularly gratifying to me, because they are signed by a large part of the most respectable inhabitants of these places, after full investigation into the cause and origin of the war; and because the Bishop of Wellington, Archdeacon Hadfield, and the members of the House of Representatives from Wellington (excepting the Speaker) have been the most strenuous opponents of my policy either in the Assembly or by means of the public press.

Address. Inhabitants of Hutt District.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

Enclosure 1 in No. 49.

Encl. 1 in No. 49.

ADDRESS from the Inhabitants of the HUTT District.

To his Excellency Colonel GORE BROWNE, C.B., Governor and Commander-in-Chief of the Colony of NEW ZEALAND.

WE, the undersigned electors and other inhabitants of the Hutt District, desire to express our entire approbation of the policy of your Excellency in proceeding to quell, by force of arms, the insurrection of W. Kingi in the province of Taranaki.

While we deeply deplore the circumstances which have compelled your Excellency to such an extremity, we are convinced that sooner or later a collision with this turbulent chief was inevitable, and that any further tampering with the question of sovereignty would have been construed by the natives as an admission of present weakness, and probably eventuated in more wide-spread disaffection.

Even had we been less satisfied than we are of the justice of the war, we should feel that there could be now no other alternative for your Excellency, having in view not simply the best interests but the actual existence of the colony, than to prove by vigorous exertion the supremacy of the Queen's power; until a conviction of which is summarily brought home to the native mind, we fear that your Excellency will be unable to establish a lasting peace, such as may serve for all future ages to cement in one bond the mutual prosperity and happiness of both races.

We offer to your Excellency our most earnest co-operation in bringing the issue to such a termination, and should much regret that any member of the House of Representatives should consent to patching up present tranquillity at the risk of future security.

(Signed) A. LUDLAM.
ED. AUGUSTUS CARLYON.

Hutt, September 21, 1860.

(Here follow 272 signatures.)

Enclosure 2 in No. 49.

Encl. 2 in No. 49.

ADDRESS from the Inhabitants of the City of WELLINGTON.

To his Excellency Colonel THOMAS GORE BROWNE, C.B., Governor and Commander-in-Chief of the Islands of NEW ZEALAND, &c. &c. &c.

WE, the undersigned inhabitants of the city of Wellington, have seen with the deepest regret and indignation the opposition which has been raised in the House of Representatives, chiefly by the Wellington members, against the policy of your Excellency in resisting by force of arms the rebellion at Taranaki.

NEW ZEALAND.

We feel convinced that your Excellency could not have avoided the war without serious detriment to the Queen's supremacy in this island, and the true interests of both settlers and natives.

Until the rebels have been subjugated and the murderers of our fellow settlers have been punished, any peace with those who have taken up arms against the Government would be uncertain, insincere, and subversive of Her Majesty's dominion in this island. With such a peace the authority of the law could not be maintained beyond the immediate precincts of the towns, nor could the mutual feelings of good will and security which formerly prevailed between the two races be restored.

We beg to offer to your Excellency our cordial approbation of the determination expressed by your Excellency to carry on the war with vigour until ample retribution has been exacted for the murder of our fellow settlers, and until the embers of rebellion have been utterly extinguished.

(Signed) GEORGE HART,
J. P., Wellington.
EDWARD AUGUSTUS CARLYON,
Barrister-at-Law, Wellington.
C. B. BORLASE,
Solicitor, Wellington.
WM. BOWLER,
Merchant, Wellington.

(Here follow 433 signatures.)

No. 50.

No. 50.

COPY of a DESPATCH from Governor T. GORE BROWNE, C. B., to his Grace the DUKE of NEWCASTLE.

(No. 108.) Government House, Auckland, New Zealand, 31st October 1860.
(Received 19th January 1861.)
(Answered No. 11, January 26, 1861, page 270.)

MY LORD DUKE,

No. 1. The Bishop of Wellington, 12th Oct. 1860.

I have the honour to forward a letter from the Right Reverend the Lord Bishop of Wellington to your Grace's address.

The Bishop complains that in forwarding his former letter to your Grace, I stated that his assertion that "the head of the Department was not sent to investigate the title "till hostilities commenced is inaccurate," and quotes a letter addressed to the newspaper, by the Venerable Archdeacon Hadfield. In reply, I enclose copy of a memorandum from the Chief Land Purchase Commissioner, by which your Grace will perceive that I was fully borne out in that statement.

No. 2. Donald M'Lean. 30th Oct. 1860.

The Bishop further impugns the accuracy of my assertion that I never did assent to any Act "forbidding natives to endow with land their own (not English but) Native "Ministers of Religion." He now indicates the Act to which he alluded, namely, "the Native Reserves Act, 1856," and still insists that because Sir George Grey did permit grants of this description to be made, that therefore I have the same power, or have passed an Act restricting that power.

Previous to writing this letter, the Bishop must have been in possession of the speech of the Attorney-General made in the Legislative Council in answer to a question on this subject in which he distinctly states as follows. "No Act to the effect alleged passed "the Council, and it could not therefore have been assented to by the Governor; no Act "ever passed the Legislature, forbidding natives to endow with land their own native "ministers of religion, nor any act whatever restrictive of the powers of natives over "their land; the Native Reserves Act of 1856 was an empowering and not a disenabling "Act." The Attorney-General, in answer to the Chief Justice, further adds that if such grants had been made (as it is now clear by the Bishop's letter that they have been) "there was no authority in law for such a transaction, it was clearly illegal" (vide report of debate enclosed).

No. 3. Report of Debates.

* * * *

I have &c.

His Grace the Duke of Newcastle. (Signed) T. GORE BROWNE.
&c. &c. &c. Governor.

Enclosure 1 in No. 50.

Bishop's House, Wellington, New Zealand,
October 12, 1860.

Encl. 1 in No. 50.

MY LORD DUKE,

I VENTURE to call your Grace's attention to a paragraph in his Excellency Colonel Gore Browne's Despatch to your Grace, dated 28th June 1860, in which he says, "The Bishop says, that the head of "the Department did not investigate the title; but his statement is inaccurate, &c." I beg first to annex a printed letter of Archdeacon Hadfield's on the subject:

"To the Editor of the 'New Zealand Spectator.'

"SIR,—I wish to make a few remarks on a passage contained in a Despatch of the Governor's (June 28th), commenting on a letter to the Duke of Newcastle to which the Bishop of Wellington's name and mine were attached. It is as follows:—'The Bishop states that the Head of the Department 'did not investigate the title; but his statement is inaccurate, as your Grace may see by Mr. M'Lean's 'report, forwarded in my Despatch No. 63 of 27th June last, in which the subject is incidentally 'mentioned.'

"I think a careful consideration of the documents published since the letter was written, will remove all doubts as to the fact asserted,—that Mr. M'Lean did not investigate William King's title to the disputed land at Waitara; and that the statement contained in the letter is not inaccurate, but that the Governor's own assertion is open to the charge of inaccuracy. When I signed the letter containing the allegation in question, I well knew, what the Governor himself ought to have known when he contradicted it in an official Despatch, that Mr. M'Lean not only had not investigated William King's title, but that he had not even been at Taranaki for nearly twelve months before he went there in March last, after hostilities had commenced. I believe this fact cannot be refuted. Still these are times of much credulity; a kind of clairvoyance may be attributed to Mr. M'Lean. There are, I believe, people who even now suppose that the Chief Commissioner investigated William King's claim to the disputed land at Waitara. I shall not be at all surprised to see, after the lapse of a few months,—perhaps only weeks—the same assertion again made, even in official Despatches, notwithstanding the acknowledged fact that he was actually absent from the province of Taranaki during the whole period I have mentioned above.

"But my knowledge of the fact, that the Chief Commissioner did not investigate William King's title to the land in dispute, did not rest on mere report or hearsay; on the contrary, I had it on the best possible authority, that of Mr. M'Lean himself. On the 10th of March last Mr. M'Lean called on me. During the conversation that arose in reference to Taranaki, he told me very distinctly, that though he was surprised that William King had not spoken more strongly at the meeting that took place on the 12th March 1859, he had by no means made up his mind that Teira's title was a valid one; and that he had, in consequence of this doubt, advised the Governor and Mr. Parris to use very great caution if they proceeded with the negociation. He added that he had subsequently made some inquiries as to the title of the disputed land at Queen Charlotte's Sound and at Wellington (these inquiries, let it be observed, were made among Teira's friends and those favourable to the sale); but that he had made none at Waitara. I will not say that he expressed surprise that no reference had been made to him before the important step taken by the Governor was resolved on, but his language undoubtedly implied as much when he attributed the absence of any such reference to him to the probable wish of the Governor to avoid giving unnecessary anxiety or trouble during his illness.

"I certainly considered this conclusive as to the fact stated in the letter, that the Chief Commissioner had not investigated William King's claim. Probably the Governor may attach a different meaning to the word "investigate" from that which it conveys to me, especially when used in reference to a native's title to land. But however that may be, in no other hypothesis can I account for his assertion, that the statement contained in the letter, namely, that Mr. M'Lean did not investigate William King's claim, is "inaccurate." I was not aware that Mr. M'Lean had ever disguised his opinion on this subject. Matene Te Whiwhi, described by Mr. Richmond as "that influential and excellent chief," was taken by Mr. M'Lean in March last to Taranaki. On his return he told me, what he also told others here, that Mr. M'Lean had expressed to him his regret that the Governor should have taken such a hasty and premature step as the forcible ejection of William King from Waitara without further investigation.

"I am, &c.

"Otaki, Oct. 4, 1860." "OCTAVIUS HADFIELD.

2d. I would observe that the head of the Department himself (Mr. M'Lean) in his evidence before the General Assembly on September 14, admits that he had only partially investigated the title before "hostilities had commenced." (See my memorial to your Grace 1st June.) I beg to draw your Grace's attention to the 19th, 20th, 29th to 32d questions and answers given on the opposite leaf, and also to the 47th, to show that this is Mr. M'Lean's evidence.

And I would also remark that in a paper presented to the General Assembly marked E, No. 3 A. his Excellency addresses Mr. M'Lean on the 20th July, 1860 and requests him to give his opinion whether "William King had any right to interfere to prevent the sale of the block of land at Waitara to the Queen." Whereupon Mr. M'Lean answers, on the 23d July, 1860, "The question of title has been carefully investigated." But there is not a word to show that he had investigated it before hostilities had commenced. In fact, he told me himself, a few days before he seems to have told the same thing to Archdeacon Hadfield, that he had not.

"19. The former part of the 6th Section directs that a record of all claims submitted by natives should be noted in a book. Do you know whether this has been observed in the instance to which the present inquiry relates?—I believe that a record of the claims and of the various meetings has been kept by the District Commissioner at Taranaki. I know he kept a Journal of events—I cannot say positively whether he keeps it in a book or on loose papers which are filed. Copies of the papers containing the names of the claimants have not been forwarded to the office here—but the investigations made by Mr. Parris were submitted to me when I was at Taranaki.

"20. Were the negotiations in connexion with the purchase conducted solely by the District Commissioner, or did you take part in them?—I took part in the commencement of the investigation, when the purchase was initiated at Taranaki, and instructed the District Commissioner how to proceed I also took part myself in investigations having reference to Absentee claimants.

"21. (*Mr. Fox.*) You have referred to the alteration of native tenures owing to disputes. By whose consent and in what manner have the ancient tenures been altered? The original occupants have in many cases been swept off the country. The tenure has been changed in Taranaki by the Waikato conquest.

"22. What evidence have you of such alteration?—The evidence of living witnesses who took part in the conquest.

"23. When you say the tenures were altered, do you mean not that the laws by which the lands were held were changed, but that the ownership changed hands?—I mean that there was an entire change. The right of the original proprietors became vested in the conquerors."

"24. If the tenure were changed in this sense, why did you buy of Te Teira, and not of the Waikato only?—The reason for buying of Te Teira was that the Waikato title had been extinguished by the Government who purchased from them, and because the claims of the Ngatiawa had been subsequently readmitted by the Government.

"25. You have spoken of the title of the Waikatos to the Waitara obtained by conquest, and referred to it as recognized by the Ngatiawas after their return from Waikato. Are you acquainted with the following statement of Mr. Protector Clarke on the subject contained in his Report dated Auckland, 17th October 1843:—

"The claim to Taranaki preferred by the Waikato natives is good so far as they have taken possession; but they did not wholly succeed in driving the natives out of that district, who maintained their independence by resorting to different pahs along the coast. *I should therefore consider the principal right to land in the Taranaki district still vested in the original inhabitants.* Again the titles of tribes about Port Nicholson to land in the Taranaki district cannot be wholly extinct, if they have kept up a friendly intercourse with the residents. * * * A tribe never ceases to maintain their title to the lands of their fathers, nor could a purchase be considered complete and valid without the consent of the original proprietors. * * Possession of land even for a number of years does not give a right to alienate such property to Europeans, *without consent of the original donors of the land;* but it may be continued in the possession of the descendants of the grantee to the latest generation.

—"Do you consider this opinion of Mr. Clarke as being in conformity with those expressed by you in reference to the importance of the rights by conquest of the Waikato tribe?—Mr. Clarke's views are not materially different from mine. He in the first instance recognized the Waikato right of conquest.

"26. You have spoken of 'new arrangements' being necessary in reference to the purchase of land at Taranaki, and referred to instructions given you by Sir George Grey on the subject. Were these 'new arrangements' made with the consent of the natives, and were they ever carried out?—The arrangements indicated in the instructions were carried out so far as they could be acted upon in the Taranaki district.

"27. Do you mean that the natives south of the Waitara were induced to remain north and to sell all their lands on the south?—No; the arrangements concluded at Taranaki did not then extend so far as Waitara. The instructions were part of a general scheme not confined exclusively to Waitara.

"28. You have spoken of a notification of the sale having been given by you to the southern natives. Have you a copy of such notification?—I have a copy. I cannot produce it now, but shall be able to do so.

"29. How, when, and where was such notification published?—I communicated by letter. It was not in the shape of a published notification. I addressed letters to those persons whom I believed to be claimants of the land in question.

"30. Then if there are any claimants of whom you have not heard, such notification may probably not reach them?—I believe it to be an utter impossibility for them not to have known of the sale.

"31. You are aware that King and 500 of the Ngatiawas resided at Otaki and Waikanae for 21 years, and when they left many of the tribe remained there. Did you ever send your notification to, or visit those places to notify the intended sale of Waitara then, and did you ever investigate any claims or inquire whether there were any there?—At Waikanae; I did not personally investigate claims. I sent a copy of the governor's speech at Taranaki to Otaki in the first instance. I am not so sure of having sent to Waikanae. I sent several copies to Otaki.

"32. That was not a notification of Te Teira's sale?—It was not a notification of Te Teira's sale, but of the Governor's speech at Taranaki.

"33. You have stated that Riwai Te Ahu had no claim. How can you be sure of this if you have never investigated claims at Otaki, where he lived, nor notified the sale to him?—I am sure of it from this fact, that he once preferred a claim to land there which I investigated. I was under the impression that it was of considerable extent, but I found on inquiry from the parties through whom he claimed and whose names he gave, that his claims were really insignificant, and were situated near the river

Waiongana. Even those small claims the natives disputed, as the land was occupied by a sister of his. The extent of the land as represented to me is not much larger than the floor of this House. I communicated the result of my inquiries to Riwai, who was disappointed at it.

"34. In investigating Riwai Te Ahu's claim, was he present, and had he the opportunity of examining the witnesses on whose evidence his claim was negatived by you?—I believe I have answered that question already. He was not present, and indeed it would have been of little use if he had—as he knew almost nothing about his claim, which he referred wholly to me.

"35. Believing that Patukakariki has possibly a claim to the disputed block, why have you not endeavoured to ascertain it, and to treat with him?—He has had frequent opportunities of preferring his claim. I have already read a letter dated 18th March 1859, inviting him and others to come forward and prove their claims.

"36. How was that letter published and circulated?—It was not published at all. It was written by me to the chiefs of the district, without being otherwise notified than by being put into their hands.

"37. Was a copy delivered to Patukakariki?—The letter was addressed to Wm. King, Patukakariki, and all the people at Waitara.

"38. Is not Patukakariki the head of the *hapu* to which Te Teira belongs? If he is not who is?—I have never recognized him as such. I know the contrary. I admit, however, that he is a chief of some importance. The principal chief of these *hapus* died some years ago. Ropoama at Queen Charlotte's Sound represents them.

"39. Suppose that Patukakariki's claim is a good one, is he bound to prefer it? and if he does not, what law will bar its future assertion?—I really do not think that I am called upon to state what his claim is. I had to hear his title adduced, which universal custom recognizes as the manner in which he should prefer his claims.

"40. You have instructed Mr. Parris to give more credence to the claims of modest and retiring claimants than to such as are more urgent. Are not those of Patukakariki and the Otaki claimants of the former class, and Te Teira of the latter?—No, I think not.

"41. If a claim such as Patukakariki's may be, is an undivided claim in joint tenancy, how can the claimant be compelled to sever it? and can compensation be forced on him if he refused to sever and to sell?—I believe that there is no local enactment that would force him to do so.

"42. Have you or Mr. Parris kept any official record of the various interviews and investigations with natives with reference to Te Teira's sale, and of the evidence of the title taken thereat?—Not certainly of every interview.

"43. Has any record of evidence been kept by either of you?—Evidence of that description has been preserved by Mr. Parris.

"44. Can you produce it?—I can.

"55. Will you?—I will.

"46. You have heard of the 11 claims mentioned by the claimants as existing at Otaki; have you investigated them?—I have not investigated those claims, with the exception of the one to which I have referred in answering a previous question.

"47. You will remember being examined in writing by a Commission issued by his Excellency in 1856; one question put to you was 'Has a native a strictly individual right to any particular portion of land, independent of the tribal right over it.' I find among the answers in the negative 'McLean,' is that you, and was that your report on the question?—(Appendix 1856, B. No. 3.) I am the Mr. McLean, and that is the reply which I made.

I now beg leave to direct your Grace's attention to the conclusion of his Excellency's Despatch of the same date; in which he says, that he "never did assent to any such Act as forbids the natives to "endow with land their own (not English, but) native ministers of religion;" and, "that no such "Act was ever passed."

It appears that I wrote, "the Act of 1858," instead of "1856." The fact that such an Act was passed and assented to in 1856, appears from the official letters which I forward on another sheet, marked "Correspondence on Native Reserves Act, 1856."

To the Right Honourable the Secretary of State
for the Colonies.

From the Bishop of Wellington,
New Zealand.

CORRESPONDENCE ON NATIVE RESERVES ACT, 1856.

"No. 1.

"The Assistant Native Secretary to the Bishop of Wellington.

"MY LORD, Native Secretary's Office, Auckland, January 9, 1860.

"I HAVE the honour, by direction of his Honour the Deputy-Governor, to transmit herewith copy of a letter addressed to his Excellency the Governor by certain chiefs of the Ngatiraukawa and other tribes residing on the west coast in the province of Wellington, expressing their wish to set apart a piece of land for church purposes.

"The writers have been requested to communicate with your Lordship on the subject of their letter, with a view to the carrying out their wishes by means of the Native Reserves Act, 1856.

NEW ZEALAND.

"As, however, the Act referred to contemplates the endowment of schools, hospitals, or other eleemosynary institutions only, and not the endowment of religious bodies, it will be necessary that the land in question should be set apart either as a site for a church or burial ground, or as an endowment for a school.

"Should your Lordship find the natives willing so far to modify their proposal, on a specific description of the land being forwarded to this office, the case will be submitted to his Excellency in Council.

"I transmit herewith a blank form of the deed of cession which it will be necessary that the native proprietors should execute, in order that on their assent being ascertained as required by the 17th clause of the Act, the land may be granted to trustees nominated by them.

"I have &c.
THOS. H. SMITH,
Assistant Native Secretary."

"The Right Reverend the Lord Bishop of Wellington."

I have no copy of my answer to this letter of the Assistant Native Secretary; but the tenor of it was, I believe, much the same as the latter part of my letter of "18th July."

No. 2.

"The Minister for Native Affairs to the Bishop of Wellington.

"Office of Minister for Native Affairs, Auckland,
"2d July 1860.

"MY LORD,

"I HAVE the honour, by direction of his Excellency the Governor, to inform you that your Lordship's communication of the 14th February last, addressed to the Assistant Native Secretary, on the subject of the proposed alienation by the natives of Rangitikei of a portion of their territory for the endowment of clergymen of the Church of England in New Zealand, has been considered by his Excellency.

"In reply, I am to state that your Lordship is under some misapprehension as to the nature of the obstacle to the proposed endowment.

"The difficulty does not arise, as your Lordship supposes, from any legislation of the General Assembly of New Zealand. The law in this respect stands, so far as his Excellency is aware, as it has always done since the foundation of the Colony. The same fundamental principle (recognized and confirmed by the Treaty of Waitangi, and by the present Constitution Act) which prohibits alienation of the native territory to private individuals, also prevents the natives from conveying an estate in fee-simple in their lands to religious bodies. The law recognises in the aboriginal inhabitants of the country the right to occupy and use their respective territories; but there has never been conceded to them the power of transmuting, at their will, the native into the English tenure: nor that of devoting in perpetuity, to whatever uses they think fit, lands of which, in the course of nature, the individuals who make the disposition can only be the temporary occupants. The latter power is the offspring of a highly artificial state of society, and its exercise in the endowment of religious bodies, has by every civilized state been rendered subject to jealous restrictions, evere when the intending donors are persons *sui juris*, which the natives can scarcely be considered to be.

"No one probably would deny, that in the circumstances of New Zealand, where a vast and vacant territory would be at the disposal of men not yet emerged from barbarism, and where all religions are upon a par, it would be necessary to place some stringent checks upon the exercise by the natives of such a power. But what those checks should be, and whether the power ought to be conceded at all, would probably become the subject of hot contention if ever the question should be mooted in the Legislature.

"On the whole, his Excellency believes that your Lordship will not, upon reflection, consider it to be a just ground of complaint against the present Legislature of New Zealand, that it has not yet ventured upon an innovation attended with difficulties so serious as those which beset the question raised by your Lordship.

"I regret that so long a delay has occurred in replying to your Lordship's communication. This has arisen, partly from the inherent difficulty of the subject, and partly from the press of business occasioned by the native war in the province of Taranaki, which has made it necessary to postpone the transaction of all business not of an urgent character.

"I have, &c.
"C. W. RICHMOND.

"The Right Reverend the Lord Bishop of Wellington."

No. 3.

"The Bishop of Wellington to the Minister for Native Affairs.

"Wellington, July 18, 1860.

"SIR,

"I BEG to acknowledge the receipt of your letter of the 2nd July, respecting the refusal of the Government to allow the natives of the west coast, from Rangitikei to Otaki and Waikanae, to endow their *own native* ministry with a grant of land.

"It still, I must confess, appears to me, that the Act of 1856 has narrowed the liberty that was previously conceded to the natives, of setting apart lands for religious purposes.

"I believe that you will find that Crown Grants have been given to the Church Missionary Society (an English religious body) for lands given by the natives to them for the maintenance of religion according to the tenets of the Church of England. I do not suppose that this has been confined to members of that church; but that is irrelevant to the argument. What I contend for is, that whereas some exception might have been taken by Government to the grant of lands by natives to *Englishmen* for the maintenance of religion, none ought to have been made to a *reasonable* grant of land for the purpose of supporting their own *native* pastorate.

"The law, therefore, does not seem to me 'to stand as it has always done from the foundation of the 'colony.' Before the Native Reserves Act of 1856, Crown grants were given for religious as well as educational purposes; and native lands have been made over to an English corporation or trustees, the proceeds of which are available for the maintenance of English clergymen, which is *not* what is asked for now.

" *Now*, by the operation of that Act, natives are precluded from securing lands for the maintenance of their own Maori pastorate.

" It is this that alienates the goodwill of the better disposed natives, who would readily have parted with their spare lands if they could see their children securely possessed of inalienable lands for the purposes of religion and education, and the encouragement of social industry.

" I have, &c.
" C. J. WELLINGTON.

" To the Honble. the Minister for Native Affairs.

" P.S.—I presume this letter will be laid before his Excellency the Governor."

In the Legislative Council on September 30, the Chief Justice (Mr. Arney) is reported to have asked the Attorney-General in reference to the letter opposite, whether it was true that "before the Natives " Reserves Act, 1856, Crown Grants, &c." The Attorney-General (Mr. Whitaker), replied that " except in the case of the claimants of land *before the* establishment of the Colony (and the Church " Missionary Society were such claimants), no native land that he was aware of had been made over " to an English corporation or trustees."

I do not wish to trouble your Grace on this subject further than to say that I have forwarded to the Chief Justice who asked the question in the Legislative Council, a copy of a Crown Grant, bearing date 1852, February 21, signed by Sir George Grey, the then Governor, stated to be for land given by the natives to the Church Missionary Society, for the promotion of the missionary and *religious* objects of the Church Missionary Society. I have also enclosed to the Chief Justice a letter from a native, who says that Tamihana Te Rauparah, the chief of Ngatiwanhawa, tells him on October 9, 1860, that " the land was surveyed in the governorship of Governor Grey, and then was set apart for a church and " mission station."

I only mention these facts to show your Grace that I am not "inaccurate" as to my statement, but only in having called an Act " an Act of 1858," instead of saying "1856."

I have, &c.

To his Grace, the Duke of Newcastle,
H. M. Secretary of State
for the Colonies.

C. J. WELLINGTON,
Bishop of Wellington.

Enclosure 2 in No. 50.

Copy of Memorandum by the Chief Land Purchase Commissioner.

Encl. 2 in No. 50.

With reference to the statement contained in the joint letter of his Lordship the Bishop of Wellington and the Venerable Archdeacon Hadfield to his Grace the Duke of Newcastle, referring to the Waitara purchase, that the " decision of the native title was left to one or two subordinate officers of the native " department, and that the head of the department was not sent to investigate the title till hostilities " had commenced," I have to observe that the statement in question is inaccurate, and certainly calculated to create an erroneous impression as to the facts of the case.

The investigation into the native title to the Waitara block was initiated by myself at Taranaki in March 1859, and subsequently at Queen Charlotte's Sound; it was completed by an officer of the department under instructions from me. The inference which the statement in question warrants is that the head of the department was sent to investigate the title after hostilities had commenced. Such was not the case; the investigation was completed before the survey was attempted. During the conversation which I had with the Bishop, I told him that I had inquired into the question of title, and that the evidence I had obtained impressed me with the belief that W. King's claim is unfounded.

It is quite possible that I may have said that I had not personally instituted an inquiry on the spot immediately previous to the breaking out of hostilities. The rules of the department did not require that this should be done in every case prior to the completion of a purchase. In this case it was simply impossible for me to do so owing to the state of my health at the time.

With reference to the statement contained in the Archdeacon's letter enclosed with the Bishop's communication of October 12, 1860, addressed to his Grace the Duke of Newcastle; that in a conversation which took place between us I said that I had by no means made up my mind that Te Teira's title was a valid one; this is certainly incorrect. I may have said that the cession by Te Teira would not be sufficient alone, unless he were joined, as he has been, by other influential claimants.

NEW ZEALAND.

The conversation between the Chief Matine and myself, referred to by the Archdeacon, was quite different from what he has represented it. Matine did express an opinion to me that the proceedings of the Government had been hasty. I replied that I believed that opinion was prevalent amongst the natives, and proceeded to explain the whole matter to him, whereupon he expressed himself quite satisfied that the Governor was fully justified in the course adopted by him.

(Signed) DONALD M'LEAN,
Chief Commissioner.

Auckland, 30th October 1860.

Encl. 3 in No. 20.

Enclosure 3 in No. 50.

REPORT of Debate in Legislative Council.

"Pursuant to notice, Major Richmond, C.B., begged to ask the hon. the Attorney General 'If the "statement contained in a letter (dated the 18th July 1860) which appears in the public prints from the ' Bishop of Wellington to the Minister for Native Affairs with reference to the operation of the Native ' Reserves Act, 1856, are correct. Statement referred to:—"It still, I must confess, appears to me that ' "the Act of 1856 has narrowed the liberty that was previously conceded to the natives, of setting ' "apart lands for religious purposes. The law, therefore does not seem to me 'to stand as it has ' "always done from the foundation of the colony.' Before the Native Reserves Act of 1856, Crown ' "grants were given for religious as well as educational purposes, and native lands have been made over ' "to an English corporation or trustees, the proceeds of which are available for the maintenance of ' "English clergymen, which is *not* what is asked for now. *Now*, by the operation of that Act, natives ' "are precluded from securing lands for the maintenance of their own Maori pastorate."'—Major Richmond said, whilst putting this question, there were few who had paid more attention to the Native Reserves Act than himself, and his observations had led him to put a very different construction upon their operation from that at which the Bishop of Wellington appeared to have arrived.

"The Attorney General said that in order to understand the question that had been put it was necessary to refer to the printed papers which had been presented to the Council by order of his Excellency the Governor on the 30th of July last. At the foot of a memorandum amongst these papers by the Bishop of Wellington and Archdeacon Hadfield, dated 1st June, there was a postscript illustrating what was stated to be the unfair course adopted towards the natives. This illustration was not joined in by Archdeacon Hadfield but was signed by C. J. Wellington only, and is as follows:—

"P.S—As an illustration of the "different course" adopted towards natives from what has been adopted towards Englishmen, I would mention that his Excellency in 1858 allowed an Act to be passed by the General Assembly, forbidding natives to endow with land, their own (not English but) native ministers of Religion, and that when a large body of natives on the West Coast between Rangitikei River and Waikanae (50 miles apart) wished to set apart 10,000 acres as an endowment for Maori clergymen of their own Church, they were not allowed to do so.

"'I have no hesitation in saying that this Act, which prevents Maories from doing what every other British subject is allowed to do, viz., endow his own Church with land in his own lifetime, has tended as much as anything to alienate their affections from the Government; and has driven them to join the Maori King movement.

"'I might go on to speak of the impolicy of such an Act, which tends to make the natives unwilling to sell their land for fear of depriving their children and posterity of all means of supporting the ministers of religion,—but I only allude to this Act to show that the words used in the Memorial are not used without reason.

(Signed) 'C. J. WELLINGTON.

'To the Right Honourable
Her Majesty's Secretary of State for the Colonies.'

"It needed not to be pointed to the Council that no Act to the effect alleged passed the Council, and it could not therefore have been assented to by the Governor. No Act had ever passed the Legislature forbidding natives to endow with land their own native ministers of religion, nor any Act whatever restrictive of the powers of the natives over their lands. The Native Reserves Act of 1856 was an empowering and not a disenabling Act. Whatever restriction exists on the alienation of native lands was due to the Treaty of Waitangi and the Constitution Act, not to any Colonial legislation. The postcript therefore, so far as it was intended to cast an imputation on the Governor or Legislature of New Zealand was absolutely untrue. This was pointed out to the Bishop of Wellington by a letter from the Minister for Native Affairs dated the 2nd of July last; not in reply to the postscript but in reply to a letter from the Bishop on the same subject. This should have at least ended the matter, though candour would perhaps have dictated something more—a confession of error. But then comes the most extraordinary part of the affair,—the Bishop's letter of the 18th of July. He (the Attorney General) deeply regretted that such a production should have emanated from a dignitary of the Church of England. He (the Attorney General) would not enter on any other other questions raised by this letter beyond those referred to by the hon. member opposite, namely whether the statements contained in it with reference to the operation of the Native Reserves Act were true—and in reply to this he (the Attorney General) had distinctly to state that they were absolutely without foundation: He had now only to ask the Council to look at the dates of those communications.

"The Speaker here interposed and asked the hon. member whether he was not going beyond the rules in answering a question.

"The Attorney-General said he would bow at once to the Speaker's decision if he so decided, but he (the Attorney-General) thought that he was not exceeding what he had a right to say. He wished to explain that what he desired to point out to the Council was the manner in which the letter upon which the question put to him was founded became public. It was not through the ordinary channel, after transmission of the letter to the person to whom it was addressed, namely, the Minister for Native Affairs, and then added to the papers presented to the Legislature; but through the columns of a newspaper, bitterly opposed to the Government on the question of the war, and which accompanied the publication by a statement that it had received the correspondence from the Bishop of New Zealand, and a virulent attack upon the Governor and Government, full of falsehood and misrepresentation. He (the Attorney-General) would not go further into the matter, as the Speaker seemed to think that he was exceeding bounds; but he would add, that he (the Attorney-General) felt deep regret that the Bishop of Wellington, at such a time—about three weeks after the battle of the Waitara—when men's minds were deeply agitated, and especially the native population were in a complete ferment, should lend his name and influence to the publication of such a letter through such a channel, calculated, as such a proceeding was, to create discontent, distrust, and disaffection towards the Government. He would not accuse the Reverend Prelate of such a design, but upon such an important matter, if he was unable himself to understand the effect of the Native Reserves Act, he should have taken advice, and not committed himself to such reckless misrepresentations as he had done.

"The Chief Justice asked whether it was true, that before the Native Reserves Act of 1856, Crown grants were given for religious as well as educational purposes, and native lands made over to an English corporation or trustees?

"The Attorney-General replied, that Crown grants of Crown land had been made under various laws from time to time in force for sites of churches, and for other purposes, but this was not relevant to the question, which was on the subject of native lands; and with regard to these, except in the case of the claimants of land purchase of the natives before the establisment of the Colony—(and the Church Missionary Society were such claimants)—no native land that he was aware of had been made over to an English corporation or trustees, and if it ever had been, there was no authority in law for such a transaction—it was clearly illegal.

"Mr. Harris, in consequence of statements which were very current out of doors, and which alleged that General Pratt was greatly trammelled in his operations—statements which he himself did not at all credit—begged to ask the Hon. the Attorney-General 'Whether, since the 3rd September instant, 'any restrictions have been imposed by his Excellency the Governor upon General Pratt; and if so, 'what is the nature of such restrictions?'

"The Attorney-General, in reply, said that there had been no restrictions whatever put upon General Pratt."

No. 51. No. 51.

Copy of a DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(No. 109.) Government House, Auckland, New Zealand.
November 1, 1860.
(Received January 19, 1861.)
(Answered No. 9, January 26, 1861, page 269.)

My Lord Duke,

I have the honour to acknowledge the receipt of Sir G. C. Lewis's Despatch, No. 48,* of 26th July last.

* Page 261.

As he refers to "a policy requiring the presence of a large force," it is necessary that I should call your Grace's attention to some of the difficulties which must attend the progress towards union of two races dwelling in the same land, yet differing so widely in their wants, wishes, and opinions.

2. I need not remind your Grace that prior to 1839, New Zealand had attracted to its shores a swarm of reckless men, determined to settle upon it with or without the consent of Her Majesty's Government; that disorders of all sorts prevailed, and it was found, that being "out of our allegiance and protection" was no better security than the threat of it proved in Rhode Island against the commission of enormities, which in New Zealand had not the excuse of religious bigotry.

3. Had Her Majesty's Government not interfered, there can be no doubt that war and disease would rapidly have consumed the aborigines; that sooner or later they would have been vanquished and destroyed; that anarchy and violence, after reigning unchecked for a time, would have yielded and finally given way; and that in the course of time, an industrious European population—loving order and obedient to law—would have inherited the land, which their predecessors had so ruthlessly acquired.

4. Her Majesty's Government was not, however, content to permit the disasters of the transition state to continue for an indefinite time; and Lord Normanby, in his Despatch of 14th August 1839, says, that "the necessity" (for interference) "had become too evident "to admit of further inaction," and that the object of Her Majesty's Government is "to "mitigate, and if possible, avert the disasters" (enumerated), "and to rescue the "emigrants themselves from the evils of a lawless state of society."

NEW ZEALAND.

5. The emigrants were rescued from these evils; many desperate men left a country in which they could no longer carry on their lawless practices, and settlers of the best class poured into the Colony, bringing with them their own laws and that love of order which characterises all Anglo-Saxon communities.

These laws are especially applicable to such communities so long as they remain united, and in the early days of the Colony it would have been easy to regulate settlement and restrain individuals from spreading broadcast over the country. In 1839, and for some time after, there would have been no difficulty in extinguishing native title over vast territories, and to have declared English districts within which alone the Queen's law should be paramount, extending these districts from time to time as opportunity offered, and leaving the Maoris to follow their own customs in the remainder of the country, aiding them by missionaries and other instructors to advance in civilization, and waiting until they desired and became fit to be one people with us.

6. This course was not adopted, but English law was by a fiction assumed to prevail over the whole Colony; and Lord Normanby (15th August 1839) speaks of the repression of "cannibalism, human sacrifices, and warfare among the native tribes" * * * by "actual "force within any part of the Queen's dominions."

The Governor, however, had no means of using force, and tacitly permitted these customs to continue; indeed, the last is not yet extinguished; nor were any sufficient measures adopted for controlling and guiding the stream of emigration, or the erratic movements of individuals.

7. The assumed predominance of English law was not, however, harmless; one of its marked characteristics, namely, the independence of action enjoyed by individuals living under its shadow, even at the cost of the community, is inconsistent with the safety of a society of which the component parts, though living in juxtaposition, are in the opposite extremes of civilization. As an example, I may observe that in many parts of India, shooting a monkey or kite would produce an insurrection, and consequently regulations are enforced which would be absurd and intolerable in Europe.

8. In New Zealand, the acts or even the suspected acts of an individual—vide my Despatch of even date herewith—are always liable to be revenged on the whole community or upon those of his race who are most easily within reach. Yet Englishmen are restrained by no special laws; they have been allowed to spread over the country at will, and are tacitly permitted to act, speak, and write with as much impunity as they would in a civilized community, while Government is held responsible for the consequences of imprudence, whether it affects only the individuals themselves or the community at large.

9. There is, I believe, little doubt that the King movement has been fostered and advanced by Europeans, and Government has been constantly thwarted, misrepresented, and hindered by persons whose conduct is no ways amenable to law.

10. The result has been, that English law has always prevailed in the English settlements, but remains a dead letter beyond them; that Government has been continually exposed to contempt from being unable to perform its duty, and has been driven to temporize and ignore aggression or crime, which it could neither prevent nor punish.

11. A large annual grant from the Imperial Treasury, full power, and great tact, enabled Sir George Grey to keep the country tranquil; but he was unable to establish any system or machinery which could effectually prevent the collision of elements so discordant as those with which the New Zealand Government has to deal. When the Constitution Act was prepared, a second opportunity was offered to declare English provinces, and leave Maori districts beyond their pale to be governed by laws specially adapted to the people inhabiting them. Instead of so doing, however, the 71st clause of the Act declares that "It may be expedient that the laws, customs, and usages of the "Aboriginal inhabitants of New Zealand, so far as they are not repugnant to the general "principles of humanity," should for the present be maintained "for the government of "themselves in their relations to, and dealings with each other," &c., &c. This leaves the difficulty unsolved, either as relates to the customs which are repugnant to the principles of humanity, or to their dealings of any sort with Europeans who have been permitted to scatter themselves thinly over the whole Northern Island.

12. It has been urged, that by a judicious use of moral influence, the Maoris might have been induced to adopt a system of self government which would have supplied the place of English law. To exert this influence successfully has been the study of my predecessors and myself, and the aim of the legislation of 1858, in which I cordially concurred. But while the difficulties attending the transition of the Aborigines from absolute barbarism to comparative civilization have been annually increasing, the power

of the Governor has been diminished and divided, and the funds at his disposal greatly reduced. In plain terms, the means which Government could command have not been sufficient for the attainment of the end desired.

13. I now turn to the question of protection, and I venture to say, that when Her Majesty's Government declared New Zealand a colony, and invited the industrious and law loving classes to emigrate, an assurance of protection was certainly directly or indirectly given, and without it these men would never have left their native land.

If, however, Her Majesty's Government is prepared to "punish aggression, defend the "centres of population, and hold the keys of the country," as intimated by Sir C. Lewis, in his Despatch above referred to, all will be done that has been asked, or can be reasonably expected. It then only remains to inquire what force is necessary for the purpose, what part of the expense should be paid by the Colony, and what part of the actual duty the settlers should perform by means of volunteers or militia.

14. With regard to the first, I have already stated my opinion in decided terms, and will not presume to intrude it again on your Grace's notice.

The payment of expenses might, I submit, be arranged with the General Assembly. I agree with Sir William Denison in thinking that, as a general rule, a colony able to afford it should pay fifty per cent. of the cost of its military protection; I am also of opinion that when the finances (as in the case of New Zealand) are unable to bear such a burden, they should be relieved of an additional per-centage, subject to re-adjustment every three or five years.

15. I now come to the employment of volunteers and militia. In the mother country, where there is a surplus population, the employment of this valuable and constitutional force is attended with little or no inconvenience, and even in the colonies the enrolment of militia and volunteers for the protection of their homes is both necessary and effective. But though this description of force may always be used, on an emergency occurring in the district from which it is raised, it can never be sent out of that district without payment, which must be as much in excess of a soldier's pay as the settler's labour, and his expenses are greater than those of an English labourer. Labour is at least worth five shillings a day in a colony, and a large proportion of those who form the rank and file of militia and volunteer corps are farmers, tradesmen, and persons possessing stock or engaged in business which would be ruined by their absence for any length of time. For this reason, also, militia cannot be called out to act continuously as a guard to prevent an attack which may be apprehended at an uncertain time.

This is indeed the case at the present moment; it is certain that if guards could be posted in various parts of the City of Auckland every night, there would be little or no danger of an attack, with which it has been seriously threatened. Except as an auxiliary to regular troops in the district in which it is raised, a colonial militia is therefore the most expensive force which can be employed; and though equal in bravery, and perhaps superior in activity to Her Majesty's troops, it is not usually found to be so effective for continuous operations. I need not add that the withdrawal of the productive classes from their employments must necessarily reduce the revenues called upon to bear the additional burden of their support, would incapacitate the colony from bearing its fair share of military expenses, and that emigration to a ruinous extent would follow such a measure if generally adopted.

16. One subject remains; Sir C. Lewis says that "a policy requiring the presence "of a large force condemns itself;" but the adoption of a policy must depend on the means available for carrying it into effect, and these have been too limited to admit of choice.

With insufficient funds, circumscribed powers, and inadequate assistance, I have had to contend with difficulties inseparable from the association, without union, of two races in opposite extremes of civilization.

I have, however, explained my views on the government of the native race in various despatches and memoranda; and I am not without hope that the attention which this unfortunate insurrection has awakened will be productive of ultimate benefit, and will lead to the introduction of such a system of government as will be in accordance with the wishes of the natives, and will not be open to the criticism contained in Sir C. Lewis's Despatch.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE.

New Zealand.

No. 52.

No. 52.

Copy of a DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(No. 110.) Government House, Auckland, New Zealand, 3rd November, 1860.

(Received 12th January 1861.)

(Answered No. 10, 26th January 1861, page 270.)

My Lord Duke,

Journal of Events. 14th Feb. to 3rd Nov.

I have the honour to enclose a concise journal of the events of the last fortnight, which will enable your Grace to judge more correctly of the state of affairs as relates to the natives in this Province than any more condensed account.

Your Grace will see that accidental circumstances over which the Government can have no control may at any time lead to a collision; that natives who are friendly and anxious to avoid war still think that the death of one of their people would justify them in taking summary vengeance on any of the offender's countrymen, whether innocent or guilty, on a plea that our law admits of, or, as they say, provides opportunity for the escape of the guilty.

The lives of many of the out-settlers, and the peace of the country during the last fortnight have been depending on the fidelity and exertions of three or four chiefs, one of whom alone receives a stipend of 50*l.* a year.

This brings prominently to light what I have so often stated, that it is only by means of employing the chiefs, giving them Crown Grants, and attaching them to the Government, that we can hope to keep the country tranquil.

The means placed at Sir George Grey's disposal enabled him to do this without difficulty, and I perceive that he is following the same plan at the Cape of Good Hope.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) T. GORE BROWNE, Governor.

Enclosure 1 in No. 52.

Encl. 1 in No. 52.

Journal of Events in the Neighbourhood of Auckland consequent on the Death of a Maori, at Patamahoe, supposed by the Natives to have been caused by a European.

On the 14th October I received information that a Maori had been found dead at Patamahoe, about 30 miles from Auckland, and that the natives believed he had been shot by a European. Archdeacon Maunsell happened to be in the neighbourhood, and the native secretary and resident magistrate went there without delay.

On the 15th the natives assembled from the surrounding districts to investigate the circumstances, and it appeared that the deceased had been last seen with a party of his own people who were hunting wild cattle. He separated from them, and was not seen again until he was found dead, without his trousers or his gun. Suspicion attached to a servant of a settler named Sherrard, who is said to have declared that he would shoot any one who shot branded cattle: but it is not probable that a European would have taken either the gun or the trousers, as they would certainly lead to detection.

The natives were much excited, and it was discovered that upon a given signal they had determined to murder all the Europeans present at the meeting. Mr. M'Lean was informed of this privately and advised to escape, but, with his usual nerve and judgment, he took no notice of it; and, after Archdeacon Maunsell had concluded his arguments, succeeded in allaying the excitement. A chief who was in the act of making the concerted signal of attack was prevented by the chief Ihaku, whose conduct throughout has been most exemplary.

After three or four days discussion this meeting terminated, but another was held in the same neighbourhood on the 21st October, of which I enclose a printed report.

It was then hoped that the natives were satisfied, and that all danger of their taking revenge had passed away; but on the 24th I was informed that an account of the supposed murder had been sent to the Waikato, and that the new King had reached Paeti on his way to attack Auckland. The chiefs Tamati Ngapora (uncle of the King), and Ihaka (the chief mentioned above), now came forward and declared that they would not permit the advance of the Waikato tribes beyond their own river.

On the 26th the settlers in the districts near the Waikato were advised by friendly natives to quit their homes, and Major Speedy, the resident magistrate, was warned that his life was in danger.

On the 27th, Ihaku, having been with me on the previous day, went out to communicate with some influential persons among the insurgents, and to re-assure the settlers, which latter object he effected satisfactorily. At the village of Otahuhu he was seized by a drunken European and a struggle ensued, during which a second European also assaulted Ihaku. Fortunately no blood was shed in this disgraceful brawl, for Ihaka assured me that it would not have been in his power to restrain his followers from all sorts of violence if he had been hurt. At a time of such excitement it is needless to dilate on what the consequences might have been.

On the 29th I had an interview of several hours with Takeri, Tamati Ngapora, and several of their followers. The first-named chief is the principal adviser of the Maori King; he came to inform me that the Waikatos had assembled and moved towards Auckland, that they might inquire into the

circumstances of the death of the native at Patamahoe, and, if necessary, obtain redress for it. He then proceeded to recapitulate cases in which the English law had not afforded that redress which the Maoris consider they have a right to expect; dwelling especially on the case of a man named Huntley, who was convicted of manslaughter in 1855, and not executed, as they think think he ought to have been. The case was one in which there was no malice prepense, and in which capital punishment would have been out of the question.

It was in vain that I pointed out that the law had afforded redress in cases where the offence could properly be visited by capital punishment, instancing the particular case of Marsden, who was hanged for the muder of a Maori girl in 1856. Argument was useless; they repeated the same thing over and over again, declaring that the act of an individual must be considered to be my act, and that in case of murder the offender must be given up to them.

Takerei then said he was informed that the police had sought for, and would have arrested, a native in Auckland, because he had been in arms against us at Taranaki, adding that, had this been done, the Waikatos would have considered it a sufficient cause for war. In this case I may observe that the man was not arrested, because I feared reprisals on our out settlers, and a magistrate who declared his intention to arrest him was fortunately unable to put it into force.

After four hours the Conference broke up with very little result.

On 31st October I received an express, informing me that several of the out-settlers had been again advised to leave their homes; that a chief named Tamihana Tarapipi was on his road to the scene of the supposed murder at the head of four hundred armed men; that he had disregarded the injunctions of the Maori king and of the Waikato chiefs, whose interference had hitherto restrained any part of that tribe from taking up arms.

In the coure of the day the alarm had spread far and wide. A meeting of Europeans was held at the settlement of Otahuhu, and a deputation came in at night to request protection for that district. In accordance with their wish I instructed Colonel Kenny, who commands the troops in Auckland, to call out the militia, and afford such assistance as he was able.

In the middle of the night, however, the chief Ihaka came in to inform me that Tamihana Tarapipi had sent for him and for Tamati Ngapora, and said he would not commit any aggression contrary to their wish. On receiving this information I sent expresses to reassure the settlers, and countermanded the march of the troops to Otahuhu.

The alarm in the neighbourhood of Auckland, and in the city, was very great during this day.

November 2. During the night the Reverend Mr. Purchas returned from the country, and informed me that the settlers had returned to their homes, but that a party of the natives from Tuakau (on the Waikato) had reached Patamahoe, and that their intentions were doubtful.

Two chiefs, Paul and Keane, came to warn me to keep on the alert, as they had information that Teraia in the Thames had not abandoned his intention of attacking Auckland secretly, and that Tamihana's people would receive large reinforcements if collision took place.

It is worthy of note that the most friendly chiefs insist on considering the death of the native at Patamahoe as an act of offence on the part of the Government, and, while they desire that the present act should be condoned, think that the recurrence of a similar case would be good cause for war.

November 3. I enclose copy of a letter I have just received from a Mr. Cowell, giving what may be considered authentic information of the present state and feeling of the Waikato natives.

T. Gore Browne.

N.B. It will be seen that the reports, especially those relating to the Maori king, have varied at different dates, but they are stated in the order they were received.

T. G. B.

Enclosure 2 in No. 52.

Report of Native Meeting at Patumahoe.

October 23, 1860.

In our issue of Saturday last we published a report furnished by a valued correspondent, of the proceedings of the inquiry which was held at Patumahoe, regarding the death of a native whose body was found in the bush near to that place. The more violent and ill-disposed natives have since then endeavoured to keep up an an agitation on this subject, and a Maori meeting was called, and held at Pukaki on Tuesday last, with the expressed object of instituting further inquiry. These men have been anxious to fix the guilt of the death of the native upon some European, and appear to have thought that Ihaki and Mohi, the chiefs who assisted at the former inquiry, had been induced to consent to hush up the whole affair.

Encl. 2 in No. 52.

The following letter from Mr. Rogan, of the Native department to Mr. McLean, was read in the House of Representatives by the Colonial Secretary on Wednesday:—

Sir,—In accordance with your request, I proceeded to Pukaki yesterday morning, for the purpose of attending a meeting which which was called by the natives residing in the Manukau district, to institute further inquiry into the cause of the death of the native Eriata who belonged to Patumahoe.

I overtook the "Taua" or war party which numbered about 100 men, who were armrd with double barrel guns, tomahawks, and spears, on the road to Pukaki, and soon afterwards the party advanced in regular order and met Ihaka's people at the settlement, who were prepared to receive them. Before the meeting commenced, Ihaka and two of his followers, who were armed respectively with a spear, a double-barrel gun, and a long-handled tomahawk, took up a position in front of the "Taua," each placing himself in an attitude which struck me as peculiar, being different to anything I had previously seen at a native meeting; the meaning of it was afterwards interpreted by Ihaki as signifying, "Here we are, and what do you want with us, we are prepared!" After a war dance, a number of fiery speeches were made by the "Taua," which were replied to with effect by Ihaka's people, the object apparently sought to be obtained was, to have the European who was suspected by the natives,

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brought forward again for re-examination, and in the event of his being found guilty, to hand him over to them. Ihaka was blamed for having brought the matter to a conclusion so hurredly with yourself at Patumahoe, withont first appealing to the natives generally, and obtaining their consent; to this Ihaka ironically replied, that *they* of course knew the whole circumstances of the case better than he did. *They* were a long distance off and saw nothing, *he* only took the trouble to investigate the matter on the ground, and of course *he* could not be expected to have arrived at a conclusionso just as theirs. Mohi, after a speech of some length, broke a stick and threw part of it on the ground in token of the matter having been previously arranged, and that it was not intended to pursue the matter further. Ihaka afterwards explained to the meeting that an investigation had taken place, and that no evidence had been adduced to show whether the man was murdered or not; that he was entirely in the dark as to how the man came by his death. After the excitement passed away, Tamati Ngapora in a very able speech, recommended the natives to cease talking, and partake of a feast which was prepared for the visitors, which they did, and the meeting terminated in a most satisfactory manner. After the feast the natives dispersed to the different settlements in a very quiet and orderly fashion.

Auckland, October 24, 1860.

The speech of Moses, the Chief of Pukaki, referred to above, is worth preserving: he said, "Speak "to us after the word, 'let there be no evil'—(referring to Potatau's oft-repeated expression.) This "is the great word that has been laid down for our guidance. I have nothing further to say; nothing "whatever after this one word. I am not concerned about this death; I am concerned to keep "inviolate the word, (Potatau's dying request, that they should live in peace with the Pakeha,) and to "preserve my wealth; Pakehas are my tribes. Look, here at my stick; I break it in two—this is my "sign that this thing is disposed of, this work is settled—bury it. The great word, remember it. Let "us be kind to our Pakeha friends; even though they should strike us, what then? we do not return "blow for blow. This business is settled. Again I say, listen to the word; let there be no evil here: "let the three be sacred, religion, love, law."

Arama Karaka, a Waikato Chief, who spoke, said, "Return; when you reach Waikato, stay there. "I will not consent that you should come here to agitate this matter. The 'word' still lives, and I "am able to settle my own disputes, and dispose of what is wrong."

The part taken on this occasion by the chiefs, Ihaka, Tamati Ngapori, Mohi, and Arama Karaka, is highly creditable, and shows a sense of right and justice which will be generally recognized. These men have long since, on the recommendation of the native secretary, had land reserved for them and secured to their use in the vicinity of Auckland. They are possessed of "wealth," as Mohi said, and settled amongst the Europeans; and thus they have the strongest inducement to maintain peace in the society of which they form a part.

We learn that a party from Waikato, with Matutaera at their head, have moved down to Paetai from Ngaruawahia, their purpose being to make further investigation into the manner of the death of the Maori at Patumahoe.

No. 53.

No. 53.

COPY of a DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE of NEWCASTLE.

(No. 112.)

Government House, Auckland, New Zealand,
November 3, 1860.
(Received January 12, 1861,)
(Answered No. 14, January 26, 1861, page 271.)

MY LORD DUKE,

General Pratt, C.B. 16th and 23rd Oct. 1860.

I HAVE the honour to forward copies of two letters I have received from Major General Pratt, C.B., giving the latest intelligence of military operations, and the state of affairs at Taranaki.

I have, &c.
(Signed) T. GORE BROWNE.

His Grace the Duke of Newcastle,
&c. &c. &c.

Encl. 1 in No. 53.

Enclosure 1 in No. 53.

COPY of LETTER from Major General PRATT to H. E. Colonel GORE BROWNE, C.B., Governor, &c.

Head Quarters, New Plymouth, Taranaki,
16th October 1860.

SIR,

I HAVE the honour to state for the information of your Excellency that on the morning of the 9th inst. I moved out from New Plymouth with a force detailed in the return enclosed, for the purpose of attacking three strong Pahs, named Pukekakiriki, Orongomaihangai, and Mataiaio, held by the rebel Maories of the Taranaki tribe, and situated two on the right, and one on the left bank of the Kaihihi River, about 18 miles distant from this place.

The force reached the Tataraimaka block the same afternoon, and encamped for the night. Next morning, after passing through a most difficult line of country, particularly for artillery, reached within

Sketch of Ground near Kahihi River, shewing the positions of the Rebel Pahs attacked on the 11th & 12th October, 1860, also the Parallel approaches to Orongomaihangi Pah.
Traced from a Sketch by Col: Mould, R.E.
Magnetic Meridian
Kahihi River
Paranha
Scrub & Flax bushes
Flax
Flax &c
Rifle Pits
Bush
Rifle Pits
Scrub
Scrub
Rifle Pits
Pukekakiriki
Kahihi River
The banks on each side are very steep and covered with

three-quarters of a mile from the Pahs by 8 o'clock in the morning, where the camp was pitched, entrenchments thrown up; and when this was completed, two strong reconnoitring parties proceeded to examine the best approaches to the Pahs: that on the left was through very high fern, crossed by a deep gully, and found totally impracticable for artillery; the party was fired upon from rifle pits from the bush, and the fire was returned. There were no casualties. The right party found open ground near the Pahs, with a space of 150 yards between the first Pah and a strong belt of bush.

I had, in conjunction with Colonel Mould, commanding Royal Engineer, decided upon advancing upon these Pahs by a somewhat regular sap, and endeavour to show to the Maories that their Pahs could be taken without that loss of life to our forces which had before occurred. To carry this into effect, a working party and guard (strength as per margin) proceeded at 6 a.m. next morning, and at once commenced to throw up a parallel within 250 yards of the second named Pah; strange to say the enemy permitted this to be carried out, and to let the troops get somewhat under cover without firing a shot, and by 9 o'clock the guns were sent on from the camp, and by 12 o'clock were in position, and shortly afterwards commenced a steady fire upon the Pah. The enemy seeing it was not our intention to rush up to the Pah, had commenced firing from it and rifle pits at 11 o'clock, and kept up a continuous fire upon the working party and troops during the whole day. The 8-inch gun 24-pr. howitzers, and small mortar poured their fire at fixed intervals during the whole day, but the Pah which was covered with green flax shewed little signs of a breach, and firing ceased at night-fall on both sides. Fresh working parties, to make an advanced sap, were at work during the night.

Guard of the Trenches.
C.S.S.D. R.&F. 1, 3, 5, 2, 150.
Working Party.
C.S.S.D. R.&F. 2, 2, 2, 2, 250.

At 6 a.m. next morning a flying sap was begun, approaching slowly to the Pah with a matelet. Skirmishers were thrown forward, and the howitzers advanced to play upon an angle of the Pah. A bag of gunpowder had been ordered to assist in making a breach. When it was found that the enemy apparently dismayed at this new mode of attack, had evacuated the Pah during the night, and the troops entered it.

Guard of the Trenches.
C.S.S.D. R.&F. 2, 3, 2, 1, 130.
Working Party.
C.S.S.D. R.&F. „ 4, 7, 2, 130.

This Pah was found of a very strong character, with rifle pits all round, covered passages, and all the usual appliances which the Maories are so capable of constructing; it was full of their provisions (potatoes), which were carted away and given to the troops; had the enemy chosen to defend this Pah, even with our mode of approach it could not have been carried without much loss of life.

Having crossed the Kaihihi river myself with Lieutenant-Colonel Carey, D.A.G., and examined the Pah there, I had ordered 50 men of the 85th regiment, with some friendly natives, to proceed to the left bank of the river and open fire upon the Pah and rifle trenches when, by a signal agreed upon, they would know that the first named Pah was being assaulted; this they did, found that the Mataiaio Pah had also been abandoned, entered, and destroyed it; it was not as strong as the other two.

The troops and artillery then advanced upon the Pukekakiriki Pah, standing upon an eminence and about 300 yards from the Pah just taken, a few shells were thrown into it, to which there was no response, and the troops rushed into it and destroyed it. This Pah was also of a strong construction, with all the usual appliances for defence, and was full of potatoes.

Between the first and second Pahs the enemy had placed a long line of rifle pits, evidently supposing that the troops would have at once advanced up the belt of bush, and had this been done we should have suffered severe loss; and I have every reason to believe that the enemy were entirely bafled by the new mode of attack.

I have before mentioned that the pahs had, since they were reconnoitred, been covered over with green flax (phormium tenax), rendering them quite impervious to musketry, and by its tenacity preventing even the heavy gun from making any great impression upon the pah.

Our casualties were five wounded (state here enclosed), amongst whom I regret to say was Captain Pasley, R.E., serving on my staff and acting as engineer in the trenches; and a most valuable soldier, Serjeant Howett, R.E. All the wounded are doing well. The loss of the enemy will never be known, as they always conceal it. Blood and stretchers on which people had been carried away were found, and a chief, named Luke, is known to have been killed.

The conduct of the troops of all arms was excellent, the Royal Navy, regulars and militia, vieing with each other in the field and trenches.

I enclose a report by Colonel Mould, Royal Engineers, whose services thoughout have been of the most valuable description, and also a tracing of the ground, which will make this despatch more intelligible.

From the tenor of your despatches, which I received in the evening of the day the pahs fell, I thought it advisable to return to town next morning, and you will be able to judge of the difficulty of the ground through which the troops had marched during this expedition, when I state that the force which marched off at six o'clock, a.m., did not reach their quarters, as a whole, before seven o'clock in the evening.

I have had the pleasing duty of bringing to the notice of His Royal Highness the Commander-in-Chief, the excellent conduct of the troops, as also that of the officers in command of the various branches of the service, naval brigade, regular troops and militia, and of the general and personal staff.

I have, &c.
(Signed) T. S. PRATT,
Major-Gen. Commanding.

Marching state of field force, New Plymouth, New Zealand, October 9th, 1860:—

	Major-Gen.	F. O.	Capt.	Subs.	Staff.	Sergts.	Drum.	Rk. and file.
Total -	1	5	12	25	11	50	13	837

Also 150 Natives of the friendly tribes under Mr. Parris, Assistant Native Secretary.

(Signed) R. CAREY, Lieut-Col., D.A.G.

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Return of officers and men wounded in action at the Kaihihi River, Taranaki, New Zealand, on October 11, 1860:—

	Capt.	Sergt.	Drum.	Private.
Royal Engineers - -	1	1	0	0
12th Regiment - -	0	0	0	1
65th Regiment - -	0	0	1	0
Militia - - - -	0	0	0	1
Total - - -	1	1	1	2

(Signed) R. CAREY, D.A.G.

Encl. 2 in No. 53.

Enclosure 2 in No. 53.

From MAJOR-GENERAL PRATT, C.B., to the GOVERNOR.

Head Quarters, New Plymouth, Taranaki.
October 23, 1860.

SIR,

I HAVE the honour to acknowledge the receipt of your confidential letters dated the 9th, 13th, and 14th of October, with enclosures. The first reached me on the morning of the 12th, when on the banks of the Kaihihi river, the two latter on the 16th, when proceeding by steamer to the camp at the Waitara. Since their receipt, the reports of the advance of the Waikatos have varied every hour. At one time Mr. Parris obtained information, which he believed to be authentic, that 1,000 at least of the enemy had crossed the Waitara and joined W. Kingi last night; it is now confidently stated that only 160 have crossed, and that the remainder are some distance in rear, and I enclose extracts of the reports of Mr. Hay up to this date. Thus it has been entirely impossible to form any plan or take any steps regarding them, from want of accurate information. In the meantime the troops taken by me from the camp at Waitara to enable me to move to the southwards, have been restored, and an augmentation of 100 rank and file sent down as a temporary measure for the purpose of erecting a stockade on the site of the Puketakanere pah, with a telegraph apparatus, to admit of direct communication with this place. After this, the Mahoetai pah will, if possible, be occupied, and a stockade erected.

I beg, however, that your Excellency will bear in mind, that all these additional posts and stockades require troops for their occupation, and necessarily reduce the numbers I can depend on for offensive operations. In fact, to leave the town with a force sufficient for its defence, on my last march, I had, so as to admit of my taking out a force of 800 rank and file only, to reduce the Waitara camp by one half. The necessity for leaving a large force in the town is much increased by the numbers of women and children still remaining, as the measures proposed by your Excellency's advisers for their removal have been entirely without effect, and the confusion of a night attack, which your Excellency's correspondence stated to be threatened, would be very great. I have used every persuasive effort for the removal of these families without avail. The numbers are now as follows:—

	Women and Children.	
Settlers' families - -	733	By a return from the Deputy Superintendent, October 17, 1860.
Boatmen's „ - -	91	
Soldiers' „ - -	86	Garrison returns.
Total - -	910	

Thus your Excellency will observe, I am compelled to keep a large force in New Plymouth and in detached posts in the district, and the troops furnished by the Imperial Government to prosecute the war are diverted from the duty for which they were intended to that of protecting the families of settlers who refuse to leave the settlement, and thus hamper other military movements.

I hear that the civil authorities, who are getting more alive to the necessity of the removal of the families, are to have a meeting on the subject to-morrow.

Every endeavour is being made to obtain good information regarding the numbers of the Waikatos and their intentions. It having been positively stated that they have brought their families with them and intend settling, making no aggressive movement unless first attacked. This is quite at variance with your Excellency's information and many other reports that I have received here.

Should your Excellency have any map of the country on the north side of the Waitara and going to any extent northward, I should be much obliged by its being sent to me,—none of the kind being procurable here.

It would likewise aid me much could Mr. M'Lean be sent to New Plymouth for at all events a short period.

Under the present circumstances, if the Waikatos come in the numbers threatened, it will be necessary to have a portion of the new regiment sent here; the more so, as the force has been reduced by the withdrawal of the naval brigade: and by the enclosed return you will observe the small force really available for aggressive movements.

The Wanga Wanga has gone to Wanganui to communicate with that place and to bring back commissariat supplies.

I had reported to your Excellency that H.M.S. "Niger" which was sent there had returned, without communicating with the place, from stress of weather.

I enclose a copy of a letter from Mr. Parris, just received—his verbal statement is, that about 150 Waikatos are now with W. Kingi, the rest with Porokoru in the midst of the Waikato country.

I have, &c.

His Excellency
the Governor of New Zealand.

(Signed) J. L. PRATT,
Major General.

P.S.—I cannot quite understand your Excellency's letter of the 9th instant, in which you recommend secresy should I propose to intercept the Waikatos on the north bank of the Waitara or elsewhere—in reference to its enclosure from Mr.* Morgan, who recommends that *no* steps be taken to meet the Waikatos before they reach the Waitara, as such an act might cause the destruction of the outsettlers in Waikato—and with regard to secresy, I know that it is impossible.

SIR, New Plymouth, October 23rd, 1860.

I HAVE the honour to report for the information of the Major General that Martin Te Huia has returned from Huiraiya this day with the following information.

On his arrival among the rebels yesterday, he was asked by a Waikato Chief, whether he had come to seek his own preservation, or as a spy from the Europeans?—He replied that he had come of his own accord.

Te Waro, (another Waikato Chief) then rose and addressed him in the most violent and inflammatory language recommending that those of the friendly Natives, who would not join them in exterminating the Europeans, should separate and remain neutral, in order that they might neither interfere with the operations of the Kingites nor be sacrificed with the Europeans.

Te Waro was followed by another Waikato Chief named Paepae, who said there should be no rest for his tomahawk until the Europeans had been exterminated.

William King then spoke, and said he had been cold, but was now warm (referring to the arrival of the Waikatos): He then told his people to be liberal to the Waikatos (this Martin states was in consequence of a complaint of the Waikatos that they were not treated well when here the last time) and then recommended that their operations should be confined to Waitara, and the soldiers, when he was stopped by Riwi, (the principal Waikato Chief in the war party) who asked him what he meant by proposing peace, and told him that if he consented for his (Riwis) piece of land to go to sea, he would put his tomahawk in his neck.

In explanation of Riwi's threat, Martin states that a proposal had been previously made by Hapuroua, with William King's sanction, to sue for peace and to give up a block of land in consideration of the same.

The present plan of the Waikatos is to occupy different positions around the whole settlement and on on the North side of the Waitara River; but Riwi stated in Martin's presence that nothing would be finally determined upon until the Chief Poro Koru arrived.

I have, &c.

Lt. Col. Carey, (Signed) ROBERT PARRIS.
Depty. Adj. Genl.
&c. &c. &c.

No. 54.

COPY of a DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE of NEWCASTLE.

(No. 114.) Government House, Auckland, New Zealand.
November 8, 1860.

(Received January 12, 1861,)

MY LORD DUKE, (Answered No. 14, January 26, 1861, page 271.)

I HAVE the honour to forward for your Grace's information four printed copies of a Despatch which General Pratt has sent me by an express steamer. This timely success is a subject for sincere congratulation, as the insurgents were beginning to think themselves quite able to contend with us, and were much elated.

It is very probable that the result of the engagement at Taranaki, and the loss sustained by part of the Waikato tribes, may induce them to turn their whole force, which is considerable, against Auckland and other unprotected settlements.

The information I have received this morning from those districts has made me think it necessary to request General Pratt to detach a part of his force for the protection of Auckland without delay. I have done this most unwillingly and not until the information I have received is of such a nature that I cannot venture to incur the risk of leaving Auckland so insufficiently protected any longer.

I have, &c.

His Grace the Duke of Newcastle, (Signed) T. GORE BROWNE.
&c. &c. &c.

Enclosure in No. 54.

Head Quarters, New Plymouth, Taranaki,
November 6, 1860.

SIR,

I HAVE the honour to state, for the information of your Excellency and the members of the Government, that yesterday afternoon information reached me that the Waikatos had crossed the Waitara river that morning in force to join Wm. Kingi, and that they would possibly next morning be in the neighbourhood of Mahoetahi. I at once arranged that a force from this, and another from the camp at the Waitara, should march so as to join early in the morning at that place; we did so, and met the Waikatos, and after an action which lasted about two hours, they were defeated and fled, with very

* Mr. Morgan could only have referred to operations much nearer Auckland than the Waitara, and probably meant any attack from Kawhia. My suggestion was distinct. (Signed) T. G. B.

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considerable loss. I write these hurried lines, and send them by the "Victoria," to enable you to communicate with the Home Government by the present mail, and will send full details hereafter.

Amongst the killed are three very influential chiefs. The first I am told was the leading chief in the Maori King movement, the two others powerful and leading men. There are also many other chiefs killed of minor importance. I enclose lists of those already known up to this hour.

Our loss was two officers and 14 men wounded, and four men killed. Nothing could exceed the behaviour of the troops of all arms, as I shall detail at length in my despatch. The loss of the enemy is not yet ascertained, but from the number killed and buried, I should say they must have had between 80 and 100 killed and wounded.

I enclose an insulting letter sent by the Waikato chiefs a few days ago, and it is a curious fact, that the two chiefs who signed it were both killed the very day after they crossed the Waitara.

In communication with the gentlemen of the Native Department, I brought into town the bodies of the three principal chiefs for proper interment; the other Waikatos killed were interred in a pit on the field. We have taken six prisoners and a considerable number of very fine arms, rifles, and double-barrelled guns.

I shall be obliged by the "Victoria" being sent back without delay, as I have discharged the "Wonga Wonga."

I have, &c.,
T. S. PRATT,
Major-General commanding.

To his Excellency Col. Gore Browne, C.B.,
Governor and Commander-in-Chief, New Zealand.

LIST OF NATIVES KILLED.

Name.	*Tribe.*
Wetini Taiporutu (Chief)	
Wharangi (Chief)	Ngatiapakura.
Hakopa (Chief)	Ngatikoura.
Tamu	Ngatiruru.
Hikaraia	Ngatihaua.
Hakopa	Ngatikoroki.
Heneriko	Te Urikopi.
Wirihana	
Wanganui	Ngatikoroki.
Pari	Ngatihaua.
Tamihana	Ngatikoroki.
Harawira	Ngatihaua.
Hirini	Ngatikahukura.
Tamihana	Ngatiruru.
Wharawhara	Ngatihaua.
Tamati	Ngatikahukura.
Hemi Karena	Ngatiruru.
Harawira	Ngatihaua.
Hakopa	

Twelve others whose names I have not obtained.
Five prisoners badly wounded.
One „ not wounded.

ROBT. PARIS,
Assistant Native Secretary.

To Mr. PARRIS, Pukekoe, November 1, 1860.

FRIEND,—I have heard your word—come to fight me, that is very good; come inland, and let us meet each other. Fish fight at sea—come inland and stand on our feet; make haste, make haste, don't prolong it. That is all I have to say to you—make haste.

From WETINI TAIPORUTU.
From POROKORU.
From all the Chiefs of Ngatihaua and Waikato.

True Copy,
R. CAREY, Lt.-Col., D.A.G.

EXTRACT from a LETTER dated November 6, 1860, from Mr. PARRIS to the NATIVE SECRETARY.

WE left town this morning, 4 o'clock, 600 strong, under the command of the Major-General, for the purpose of taking possession of Mahoetahi, and on our arrival we found it occupied by the rebels. On approaching the pah they opened fire upon us, which was warmly returned, and the seaward end of the pah soon taken. They at last went out of the pah into the swamp the inland side of the pah, and there remained until Colonel Mould arrived with his party from Waitara, when they were betwixt two fires, which cross-firing wounded some of our own men; after they had lost about 12 men they ran away under very heavy fire along the road leading to Huirangi, and before they got to Waiongona ford, 10 or 12 more fell, and among them Wetini Taiporutu.

We followed them to Huirangi, and found four on the road nearly dead, and there is no doubt a great many have got away badly wounded.

I recommended that the three chiefs mentioned at the head of the list should be brought to town and buried, which the General sanctioned. We have brought in four prisoners badly wounded, one wounded in the leg, and one not wounded, from whom I got a list of the names enclosed.

I believe there are as many more, killed and wounded, not yet heard of.

We lost four killed:—Two militia men (Rev. Mr. Brown's son and William Edgecombe's son), and two soldiers. 12 wounded, one only badly, from the cross-firing.

Wm. King's people were not present.

No. 55.

Copy of a DESPATCH from Governor T. Gore Browne, C.B., to his Grace the Duke of Newcastle.

(No. 126.) Government House, Auckland, New Zealand, December 4, 1860.

(Received, February 13, 1861.)

My Lord Duke,

I have the honour to acknowledge and beg to express my best thanks for Mr. Chichester Fortescue's despatch, No. 55* of the 27th August last.

* Page 263.

2. I am desired in that despatch to furnish a full report to your Grace upon the question of an alleged right, distinct from one of property, existing in the chief of a tribe to assent to or forbid the sale of any land belonging to the members of the tribe in cases where all the owners are willing to sell, and how far such a right has been, or ought to be, recognized by the Crown. And I am also desired to give you my own views, and all the information in my power, on "the further questions whether there are reasons, apart "from the Treaty of Waitangi, in favour generally of the recognition of such a right, "and whether they justify the claims of Wiremu Kingi on the present occasion."

3. I am afraid that in the endeavour to give an answer to these questions, I shall have to ask for your Grace's attention at much length. They involve, in reality, an examination of the Native tenure of land generally, and specially of the Ngatiawa title of Taranaki; of the status of the chiefs before and since the establishment of British sovereignty; of the principles which have guided successive Governors of New Zealand on the Taranaki question; of the proceedings immediately connected with the purchase at Waitara last year; of the misrepresentations which have been spread abroad respecting those proceedings; of the relation between W. Kingi's insurrection and the Native King movement and Land League; and lastly, of the present aspect of the subject with reference to the special questions raised by your Grace.

4. In submitting my own opinions on these subjects, gathered as they are from events that have occurred during a period of more than 20 years, I have desired to say nothing which was not either within my own knowledge, or supported by some reliable authority. In order that these authorities should be placed before you in a readable shape, I have caused them to be printed separately as an Appendix to this despatch, with distinct references to the publication in which each can be found.

I. The Native Tenure.

5. In order that your Grace should see how various are the views which have been entertained on the subject of the native title to land, I have collected all that I could find to be deserving of attention, and I submit for your perusal extracts from the opinions of—

1. The Bishop of New Zealand.
2. Sir William Martin (late Chief Justice).
3. Mr. Busby, formerly British Resident.
4. Archdeacon Maunsell.
5. Mr. Clarke, formerly Chief Protector of Aborigines.
6. The Native Board of 1856, comprising the then late and acting Native Secretaries and the Surveyor General.
7. Mr. Spain, formerly H.M.'s Land Claims Commissioner.
8. Rev. Mr. Hamlin, Church Missionary.
9. Mr. Swainson, late Attorney General.
10. Archdeacon Hadfield.
11. Mr. Shortland, formerly a Protector of Aborigines.
12. Mr. White, for the last ten years Interpreter in the Native Office.
13. Rev. Mr. Buddle, Superintendent of the Wesleyan Mission.
14. Mr. McLean, Chief Commissioner for the purchase of Native lands.
15. Rev. J. A. Wilson, Church Missionary.

Of the 18 persons here named, nine were in this country long before the establishment of British sovereignty, and have maintained to the present time the closest relations with the Native race; five more have been in New Zealand for between 18 and 20 years; and the other four, who are no longer in the Colony, were all from their official position necessarily called upon to form a judgment on the question of Native tenure.

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6. The result of all these inquiries has certainly not been to present a very clear idea of what Native title is, and still less of what it is not. Chief Justice Arney said in the Legislative Council the other day: "I have found much inconsistency and contradiction, "but no novelty, and have derived this consolation, namely, of reflecting that little as I "know of the Native title of the (so-called) Maori law of real property, the generality "of people, even of the learned—the '*periti*,' know little more."*

7. At the same time I think there is no reason to doubt that notwithstanding the variety of rules in different localities and among different tribes, the title to land among the Natives of this country was a tribal rather than an individual title. The individual right to possess whatever portion of land was subdued by the labour of each member of the tribe was undoubtedly recognized and transmitted by descent from generation to generation; but the right to alienate land so held was one, the exercise of which was restricted by the obvious necessity of maintaining the unity of the tribe, of securing its right to service from each member, and of preserving its land from going into the hands of strangers.† It is doubtful indeed whether the right to alienate land in perpetuity was well understood among the Natives before the European settlement of the country.‡

8. I now beg to submit to your Grace a few of the opinions which have been given on both the tribal title and individual right.

"Generally there is no such thing as an individual claim, clear and independent of the "tribal right." § "Each Native has a right in common with the whole tribe over the "disposal of the land of the tribe, and has an individual right to such portions as he or "his friends may have regularly used for cultivations, &c. This individual claim does "not amount to a right of disposal to Europeans, as a general rule." ‖ "The land does "not, generally speaking, belong to one individual, but chiefly to the tribe." ¶ "Land "is held by them, either by the whole tribe or by some family of it, or sometimes by an "individual member of a tribe." ** "It may be observed that scarcely any of the land "of the aborigines of this country can be said to be the exclusive property of one "individual, though the descent through which a party can trace their claim to the land "they hold is by a single person. This person can sell if he likes without the consent "of his party: the party selling without his consent would be a '*hoko tahae*' (dishonest "sale). This absence of the individualization of property seems rather attributable to "the state of the country than to any defect in the line of descent. The individualiza-"tion of the descent is clearly recognized."†† "The lands of a tribe were portioned out "according to the number of families of which it consisted, and were claimed by each "family as its own; nor did any one meddle with it or occupy the land of another "family without express permission."‡‡ "For the most part the boundaries of property "are well defined. In the immediate neighbourhood of such pahs as are still inhabited "land is often minutely subdivided, each separate piece belonging to some one person. "There might be several conflicting claimants of the same land; but however the Natives "might be divided among themselves as to the validity of the several claims, still no "man doubted that there was in every case a right of property subsisting in *some one* of "the claimants."§§ "In this way families hold and cultivate their ground, enlarging "their individual cultivations from time to time, thus establishing an indisputable title to "such lands as their special and particular property. All or any of these acts give an "undeniable right to special property in land heretofore considered common." ‖‖ "The "chiefs are the principal land holders. Every individual, however, so far as I have been "able to learn, has his own estate, which he has inherited from his branch of the family, "and which he cultivates as he pleases."¶¶ "The head teacher of the tribe is about to "be admitted to Holy Orders, which led me to ask whether he had a claim to any land "which might be available for his maintenance. I was immediately informed of the "exact spot, and of the grounds of his title. Let the (Ngatiawa) tribe be once assem-"bled in undisputed possession of its ancient territory, and let each freeholder's claim be "duly investigated, and a Crown title granted to each as an individual proprietor, with "full power to dispose of his land by sale, lease, or bequest. I desire to see each native "landowner secured by a Crown grant for his own individual property. Every one of "these 340 men (Ngatiawa) believes himself to be a proprietor of land in this district."*** "These instances appear sufficient to prove that, according to the primitive usages origi-"nally existing in this country, such a law as *positive personal* right to land was

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* Chief Justice, App. E. 1.
† Bishop of New Zealand, Mem. of 1860, App. A. 2.
‡ Board, App. A. 5.
§ Board, App. A. 5.
‖ Board, App. A. 5.
¶ Archdeacon Maunsell, App. A. 4.
** Swainson, App. A. 10.
†† Hamlin, App. A. 6.
‡‡ White, App. A. 14.
§§ Sir W. Martin, App. A. 3.
‖‖ Clarke, App. A. 8.
¶¶ Shortland, App. A. 13.
*** Bishop of New Zealand, App. E. 6.

"acknowledged."* And lastly I beg to refer to extracts of a paper known to have been written by one of the interpreters in the Native Office, containing instances of sales effected by natives at various times without reference to the chiefs.†

9. But whatever may be the true theory of Native tenure, as a theory, there is nothing more certain than that there exist among the native tribes themselves no fixed rules by which the practice of Government in its dealings with them for land could be guided. Mr. McLean, whose experience extends over more than 20 years, and who has bought 20,000,000 of acres for the Crown, in his evidence before the House of Representatives last August, says (I give the substance of his answers): "The tribal right varies "so much in different parts of the country. . . . . I should like to know what "particular part of the country is referred to, as the custom which prevails in one place "does not in another. There are very wide exceptions to any general rule, and the "exception is wider than the rule. In some tribes the different *hapus* (families) must "be consulted, in others, the chiefs. The various *hapus* which compose a tribe most "frequently have the right of disposal, but not always. You must discover the rights of "the parties by inquiry of the people in the district where the land is situate, and "elsewhere. The Natives have no fixed rule. . . . . The custom varies in "different districts. . . . . In the Ngatiawa tribe a family of three or four "people has been regarded as empowered to dispose of its common property; they have "enjoyed this right for the last 18 years."‡

10. Again, Mr. Busby, formerly British President, says: "It is certain that the Maoris "had no fixed rules to guide them in the disposal of their land."§ And Rev. Mr. "Hamlin: "All these acknowledged Native rights were by might often set aside, and "arbitrary power ruled. . . . . Tribal rights, or any uniform course of action, "or general plan for their guidance in the management of their lands or other affairs, "I have not found to exist among the Natives of this country; nor do I believe they "have any such plan or general rule. Each party or tribe seems to have been guided "by existing circumstances in the management of their affairs."‖

11. But above all I beg your Grace's attention to the speech delivered by Mr. McLean to the conference of chiefs at Kohimarama, and contradicted by none, in which he says: "No fixed law on the subject" (of their lands) "could be said to exist, "except the law of might. It was true that various customs relating to native tenure "existed, but these were not in any way permanent; and the endless complications of "such customs were eventually resolved into the law of might. . . . . The "Native has no fixed law to regulate the rights of property. The European has a law "to guide him on this subject, the Native has no well defined law. . . . . "Powerful tribes took possession of land by driving off or exterminating the original "inhabitants; these in their turn drive off other less powerful tribes. The conqueror "enjoyed the property while he had the power of keeping it."¶

12. And in order to illustrate the difficulties in the way of laying down fixed rules, I beg leave to give your Grace a few instances of conflicting opinions:—

There is reason to think that an independent right to alienate land without the consent of the tribe is unknown in New Zealand. . .

The rights of ownership, whether in one or many joint proprietors, were not alienable without the consent of the tribe.**

Over the uncultivated portions of territory held by a tribe in common every individual member has the right of fishing and shooting.§§

Ordinary freemen (*tutua*) cannot alienate that land, which is absolutely their own for all practical

In the Bay of Islands, where land purchases were first made, the native of every degree of rank sold his land without reference to any other authority.††

Often there will be only one main proprietor or *take* (source of title); but if he be not a chief of rank, the head man will take upon him to dispose of the spot; often and more frequently there will be several "*take*," and one of them will sell without consulting the others.‡‡

The lands of a tribe do not form one unbroken district over which all members of the tribe may wander; on the contrary, they are divided into a number of districts appertaining to the several sub-tribes.‖‖

When any member of a tribe cultivates a portion of the common waste, he acquires an individual

* Wilson, App. A. 15.
§ Busby, App. A. 11.
** Bishop of New Zealand, App. A. 2.
§§ Swainson, App. A. 10.
† White, App. E. 7.
‖ Hamlin, App. A. 6.
†† Hamlin, App. A. 6.
‖‖ Sir W. Martin, App. A. 3.
‡ McLean, App. A. 1.
¶ McLean, App. A. 1.
‡‡ Maunsell, App. A. 4.

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Purposes, but is not to be disposed of in a manner contrary to the supposed interests of the tribe.*

A tribe never ceases to maintain their title to the lands of their fathers.‡

The right of each tribe to land extends over the the whole of the tribal territory, and entirely precludes the right of any other tribe over it.‖

Conquest, unless followed by possession, gives no title. So distinctly is this principle recognized, that I have no doubt that any attempt to support and maintain the validity of titles derived from conquest only would be met by a most determined resistance, even if attempted by Her Majesty's Government.¶

The New Zealanders do not forfeit their territorial rights by being carried into captivity or becoming captives. . . . . I have known slaves tenaciously maintaining their territorial rights while in a state of captivity. ††

right to what he has subdued by his labour; and in case of a sale, he is recognized as the sole proprietor.†

The title or claim to land by tribes existed no longer than it could be defended from other tribes.§

No tribe has in all instances a well defined boundary to its land as against adjoining tribes, and the members of several other tribes are likely to have claims within its limits.

Conquest alienates the land, but it has its quibbles. Conquest and occupation give a valid title; conquest without occupation is doubtful.**

The question turns upon whether slaves taken in war, and Natives driven away, and prevented by fear of their conquerors from returning, forfeit their claims to land owned by them previous to such conquest; and I most unhesitatingly affirm that all the information I have been able to collect as to native customs throughout the length and breadth of this land has led me to believe and declare the forfeiture of such right by aborigines so situated; in fact, I have always understood that this was a native custom fully established and recognized, and I do not recollect ever to have heard it questioned till [now].‡‡

13. The conflicting authorities here quoted furnish a satisfactory answer to an accusation constantly preferred against the Native Department, namely, that in extinguishing Native title they are guided by no fixed rules, but have, with apparent caprice, dealt with chiefs in one place and with proprietors in another. No one of my predecessors has ventured to lay down any precise theory on the subject of Native tenure, nor could I pretend to do so; on the contrary, I have endeavoured to follow in the path traced out by them, and have studied to preserve as much consistency and uniformity of action as circumstances will permit in all dealings with native proprietors.

14. I now propose to prove to your Grace that my dealings with the Ngatiawa tribe have formed no exception to this rule.

II. The Ngatiawa Title at Taranaki.

In order rightly to understand the position which the Governors of New Zealand have uniformly assumed in reference to the Ngatiawa title at Taranaki, it is necessary to remember that they were a conquered, broken, and scattered tribe, and that the fairest and most fertile country in New Zealand, their ancient inheritance, was a deserted wilderness at the time of the European colonization.

15. About 30 years ago the great chief Te Rauparaha persuaded a large force of the Ngatiawa, Ngatirankawa, and other tribes to assist him in his wars with the original inhabitants of both shores of Cook's Straits. The Waikato Natives, taking advantage of their absence, suddenly invaded the Taranaki district, and took Pukaraugiora, a large pah on the Waitara river (the same pah which there is now reason to think the insurgents intend to fortify, and try to hold), capturing or destroying nearly 2,000 of the inhabitants. They then attacked Ngamotu, near the present site of New Plymouth, but without success, and returned to their own country. They never repeated their attack, though they frequently threatened to do so; and the remnant of the tribe, finding themselves too weak to oppose effectually any renewed invasion from Waikato, while their principal warriors were absent with Rauparaha, immigrated with their women and children, and rejoined their relatives at Otaki, Port Nicholson, Queen Charlotte's Sound, and other places, where they took possession of and cultivated the soil, and where their title was

* Hadfield, App. A. 9. † Swainson, App. A. 10. ‡ Clarke, App. A. 8.
§ Board, App. A. 5. ‖ Hadfield, App. A. 9. ‡‡ Spain, App. A. 7.
** Hamlin, App. A. 6. †† Clarke, App. A. 8

afterwards admitted, by reason of such occupation, against Rauparaha, and others who claimed the land by right of conquest.*

16. Thus the Ngatiawa tribe had either voluntarily migrated on conquering expeditions to other lands, or had left in dread of the Waikatos, or had been driven by force out of their ancient territory, and had completely abandoned it. When the first white men went there, there were only 60 people living in the whole district north of the Sugar Loaf Islands; and for a long time subsequent to 1840 they had not much more than 100 acres in cultivation.†

In the expressive language of two chiefs, in a letter to the people of Taranaki, "All "was quite deserted; the land, the sea, the streams and lakes, the forests, the rocks, "were deserted; the food, the property, the work were deserted; the dead and the "sick were deserted; the landmarks were deserted."‡

17. Now, when the British sovereignty was proclaimed in New Zealand, we found (notwithstanding the desolating wars which had taken place for years throughout the Islands) certain great tribes in the full possession of their tribal territories.

Thus the Ngapuhi in the north, and the Waikato and Ngatimaniapoto in the centre and west coast, held their ancient inheritance still; and in our dealings with them since the Treaty of Waitangi, we have genenerally recognized not alone their tribal right in cases of sale, but the influence of their principal men in assenting to or preventing sales. No Government, for instance, would have thought of making a purchase at Ngapuhi or at Waikato, in the teeth of the veto of great chiefs such as Tamati Waka Nene and Potatau Te Whero Whero.

18. On the other hand there were a few tribes which had been so broken and scattered by conquest and otherwise, that with reference to them the British Government has from the first neither recognized the tribal right in case of alienation, nor permitted the exercise of a veto on such alienation by the chiefs. Of these was the Ngatiawa of Taranaki.

I do not propose to discuss the question whether the Government of this Colony were right or wrong in denying to the Ngatiawa tribe at Taranaki the status which they would have recognized in unconquered tribes. It will be sufficient for me to show that they have done so in successive acts and decisions since the foundation of the Colony, and that in the course I have pursued I have simply adhered to the principles and policy of my predecessors, Governor Hobson, Governor FitzRoy, and Governor Sir George Grey. I shall presently establish this, I cannot doubt, to the perfect satisfaction of your Grace.

III. Status of the Chiefs.

19. There can hardly be a doubt that prior to the establishment of British sovereignty the power of a chief in his tribe depended as much on his courage and skill in war and his ability in council as on rank by birth or on territorial possessions. It often happened that the most powerful chief was a small landholder. Their law was the right of the strong arm. Mr. Busby, writing in 1837 to the Governor of New South Wales, tells us what kind of rank the chiefs had in those days:—

"To those unacquainted with the status of a native chief, it may appear improbable that he would give up his own proper rank and authority. But in truth the New Zealand chief has neither rank nor authority but what every person above the condition of a slave, and indeed the most of them, may despise and resist with impunity." §

20. But the kind of authority which the chiefs exercised in reference to land may be gathered from the following extracts from the authorities whom I have already quoted.

Sir Wm. Martin said in 1846: "There is no paramount or controlling power, "either in the tribe or the sub-tribe, to restrain or to direct the exercise of the right "of appropriation [of land]. Each family or freeman may use and appropriate without "leave of any." ‖

The Board of 1856 said: "The chiefs exercise an influence in the disposal of the land, "but have only an individual claim like the rest of the people to particular portions." ¶

Archdeacon Hadfield in 1845 said: "The chief of the tribe, since he has no absolute "right over the various *Hapu*, nor over the lands of individual freemen of his own "*Hapu*, cannot sell any lands but his own, o those belonging to the tribe which are "undoubtedly waste lands." **

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* Commissioner Spain, Protector Clarke, Governor FitzRoy, in Parliamentary Papers, 1846, No. 203. 8 April.
† Ibid. ‡ Ihaia and Tirawiau, App. D. 4. § Busby, App. E. 11.
‖ Sir W. Martin, App. A. 3. ¶ Board, App. A. 5. ** Hadfield, App. A. 9.

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21. I take the preceding opinions, because they were given years ago, and have nothing to do with the present state of things. Since the insurrection which has unhappily broken out at Taranaki, a great effort has been made by many persons to claim for all the chiefs, and in all circumstances, a paramount authority in the sale of land; such a power, in short, as Mr. Fortescue describes: "One distinct from the right of property, to assent "to or forbid the sale of any land belonging to the tribe." Various names have been given to this right. It is called by the Bishop of New Zealand and some of his clergy, "a seignorial right;" by others, "a manorial right;" by others, "a feudal right." I wish to show your Grace that the universal exercise of any right of the sort is by no means admitted or even understood by persons extremely well qualified to form an opinion.

Mr. Busby says: "I have read much of 'manorial' and 'seignorial' right, of 'tribal' "right and even of 'feudal' right in relation to the Maori tenure of land. Persons use "these expressions with ideas more or less distinct attached to them, taking it for granted "that corresponding ideas exist in the minds of the Maoris." "I question whether "many of the Maoris are better informed on such points now than they were at the time "of the Treaty of Waitangi; but it is very certain that at that time no Maori entertained "the idea of a right existing in one party which implied an obligation upon all other "parties to respect it. No one conceived the idea of authority carrying with it the "corresponding obligation of obedience. Such rights and obligations are the creation "of law, and cannot subsist without it. The Maori had no law but the law of the "strongest." . . . "There are ideas attached to the possession of land which may well be "called instinctive; and great injustice may be done to individuals who hold such "a possession, if they are prevented from selling it by a supposition that what we call a "superior right exists in some other person, that right being nothing more, in the minds "of the Maoris, than the exercise of an arbitrary power by those who have strength and "arrogance enough to assume it."*

The Rev. Mr. Hamlin says: "I have not been able to discover that any such thing "as 'manorial right,' distinct from ownership in a greater or less degree, has been "lodged in the chief of a district, or the chief of a tribe, or in the chief of a *Hapu*, or "in any other person of the aborigines. And if there is such a thing as '*Mana o te* "*Whenna*' (mana of the land), it is a certain invisible, indescribable something to "which the Europeans may attach a meaning wholly at variance with that which a "Native may affix to it. Manorial rights, as Englishmen understand them, are foreign "to the Natives, and if they have any such ideas, they must have acquired them from "Europeans."† Even Archdeacon Hadfield says: "The notes I have now read imply "that the chiefs have power over some portion of the land. Fifteen years ago I set it "down as a questionable right or power. I view it in the same light now. I limit "such right of chiefs to deal with lands obtained by conquest only, and do not con-"sider that it extends to any land which has become vested in the tribe by long "possession."‡

Mr. Buddle says: "It is by no means clear that any such custom as 'manorial right' "ever obtained among the native tribes, was ever claimed by the chiefs or ceded by the "people originally. A man took possession of the territory by the strength of his arm, "and rested his claim on his conquests. 'By this,' he would say, stretching out his "arm, 'I obtained it.' Manorial rights are imaginary rights when claimed for New "Zealand chiefs."§

22. And I would request your Grace's attention to the following further extract on the meaning of the term "*Mana*," which has become a household word since the insurrection:—

"*Mana of the chiefs.* This word means authority, power, influence. It was originally applied to persons, and their words or acts, not to land. The word has of late been used in reference to land, and now we hear of '*Te Mana o te Whenna*,' (the mana of the land). What distinct idea is attached to it is difficult to say. The disputed land at the Waitara is claimed by the Maori king party, because the king's mana has reached it. '*Kua tae te mana o te maton Kingi Ki reira*' (the mana of our king has gone there); and wherever this mana has gone, the land is held inalienable without the king's consent. '*Kia man te mana o te whenna*' (hold fast the mana of the land) is another expression now in frequent use. What does it mean? This is altogether a new application of the term; perhaps it has been adopted in consequence

* Busby, App. A. 11. † Hamlin, App. A. 6. ‡ Hadfield, App. A. 9.
§ Buddle, App. A. 12

of the Queen's sovereignty over the Islands, having been translated as the 'Queen's mana.' But it certainly did not originally mean that which is now claimed for it, namely, a chief's 'manorial right.' This use of the word was not heard till the Maori king movement originated it."*

"The term 'mana,' in reference to land, I have occasionally heard, and have asked the question, '*He aha te mana o te whenua?*' (What is mana of the land?); and have received this answer, '*Ana hoki, ma te pakeha*' ('I don't know; it is the white man'). The answer implies that the term, as applied to land, had its origin in a mistaken conception of the meaning of native words by Europeans. The term, as applied to land, is scarcely heard of in some districts."†

23. But whatever may be the precise idea which is now entertained under the designation of seignorial right, manorial right, or feudal right, it is an extraordinary thing that among all the authorities I have quoted, so far as I have seen their opinions made public, it was never mentioned before this war. Surely, in the way it is now claimed by the apologists of Wm. Kingi, it is in the nature of a sovereign right; and Sir William Martin wrote in 1846: "Every right which exists, whether in one person or in more, is "truly a right of property; and there does not in this state of things exist anything "which can be correctly likened to a right of sovereignty as understood amongst us.'‡

24. The question really is, was such a right guaranteed to the chiefs of New Zealand by the Treaty of Waitangi? Mr. Busby, who negotiated the Treaty, absolutely denies it. I do not find that Governor Hobson, who made the Treaty, anywhere admitted it. And the interpretation originally given to the Treaty is clearly shown in the following evidence of Archdeacon Maunsell before the recent select committee of the House of Representatives on Waikato affairs:—

Q. "You recollect the time when the Treaty of Waitangi was entered into between "Governor Hobson and the northern chiefs. Did you assist the Government in any "way to obtain the consent of the Waikato chiefs to that Treaty?"—*A.* "I did. I "induced the Waikato people to consent to it."

Q. "Were you aware as to what was their understanding, at the time of their cession "of sovereignty to the Queen, as contained in the Treaty?"—*A.* "That they retained "the rights over their lands, but that the Queen had power to make laws."

Q. "Do you know what are the views now entertained by the native king party with "reference to the meaning of that Treaty?"—*A.* "I do not."

Q. "Are you aware whether any of the chiefs who agreed to that Treaty are now "connected with the King movement?"—*A.* "I am not."

Q. "Do you recollect a sort of state visit made by the old king (Potatau) to Lower "Waikato some time in the beginning of the present year?"—*A.* "I do."

Q. "Were you present at an Assembly held at Waiuku on that occasion?"—*A.* "I "was."

Q. "Did you deliver an address to that Assembly in which you expressed your interpretation of the meaning of the terms of the Treaty which relate to their lands; and, "if so, will you state to the Committee what you then said to the Natives on that "subject?"—*A.* "I said that they ought to allow each man to do what he liked with "his own land; that their right to their land was secured to them by the Treaty of "Waitangi; and that no king ever interferes with his people when they wish to sell "land."§

IV. Acts and Decisions of the Governors of New Zealand.

25. I beg now to call your Grace's attention to the uniform action that has been taken by successive Governors of New Zealand in the matter of the Taranaki land question since the establishment of the Queen's sovereignty in these Islands.

1st. *Proceedings of Governor Hobson.*

I have described the condition to which the Ngatiawa tribe had been reduced by successive conquests and migrations, and the abject state of the remnant which still remained at Taranaki in 1840. It was in this state of things that Governor Hobson made his purchase of the Taranaki district from the great Waikato chief Te Whero Whero, who had some time previously accompanied him to Kapiti.

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* Buddle, App. A. 12. † Hamlin, App. A. 6. ‡ Sir W. Martin, App. A. 3.
§ Maunsell, Sessional Papers, General Assembly, F. No. 2.

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Writing to the Secretary of State in December 1841, the Governor gave the following description of the transaction, and of the position which Te Whero Whero assumed in it. "Te Whero Whero claims the country as his by right of conquest, and insists on it "that the remnant of the Ngatiawas are slaves; that they only live at Taranaki by "sufferance, and that they had no right whatsoever to sell the land without his consent. "In illustration of his argument, he placed a heavy ruler on some light papers, saying, "now so long as I choose to keep this weight here, the papers remain quiet; but if I "remove it, the wind immediately blows them away. So it is with the people of "Taranaki, alluding to his power to drive them off."*

26. The deed of sale was executed in January 1842. The boundaries included all the country from Tongapourutu, north of the Mokau river, to the Ngatimanui country, south of the Sugar Loaves, comprising the whole of the Waitara district. It does not appear that Governor Hobson obtained any formal cession of their rights from the Ngatimaniapoti chiefs, who, with Te Where Whero, were the joint conquerors of the Ngatiawa; but Tamati Ngapora (Te Whero Whero's brother) told me not long since that the Ngatimaniapotos got the whole payment, and that his brother was very angry, and said he would have been satisfied with even a blanket as a token of recognition. During his visit to the Ngatimaniapoto chiefs at Kawhia in April 1842, Governor Hobson acquainted them with his purchase, and gave them permission to occupy a part of the land within the boundary, distinctly warning them at the same time that they were not to interfere with the European settlement at New Plymouth, and desiring the resident magistrate there to point out to them the English boundary.†

27. In this transaction, it is clear that Governor Hobson in no way admitted the right of the Ngatiawa tribe to the country they had abandoned, nor any right of chieftainship, nor any right on their part to forbid the sale; but, on the contrary, recognized the European settlement, and claimed to have extinguished the aboriginal title by his purchase from the Waikatos.

28. In order clearly to ascertain the completeness of that purchase, it will be necessary to examine the evidence of the Waikato title by conquest. I am aware that it has been held to be a rule in native tenure, that conquest, without occupation, gives no sufficient title. The doctrine has been laid down very distinctly and decisively, though it is held to be doubtful on good authority; but for the present purpose it is not necessary that I should controvert it. The question, then, is narrowed to this, whether or not the Waikatos retained possession or occupation of Taranaki after their conquest.

29. Though the doctrine has been broadly laid down, as above stated, it is nowhere said what degree of possession and occupation is sufficient to establish a complete title. In the case of Taranaki, Chief Protector Clarke in 1843, while admitting that the title of the Waikata conquerors was good, so far as they had taken possession, held that the chief right was still vested in the Ngatiawa tribe as the original inhabitants;‡ but in the case of Wairau, in the Middle Island, just after the massacre in the same year, he held that the title lay wholly in Rauparaha and the Ngatitoa tribe as conquerors of the district, though so far from occupying the country, they were (both before and after the massacre) settled on the north shore of Cook Straits, and had only an insignificant cultivation in Cloudy Bay.§

Thus, in one case the principal right was said to remain with the conquered tribe, which had wholly abandoned its territory; while in the other it was said to vest in the conquerors, who had never resided in the country they had subdued.

30. I willingly admit that the degree of occupation of Taranaki retained by the Waikatos has been much contested. It is barely recognized by some authorities, and denied by another.‖ On the other hand, the weight of testimony is decidedly in favour of their possession and occupation. Chief Protector Clarke and Commissioner Spain both admit it;¶ and the aspect of the question is clearly shown by Chief Commissioner McLean in his speeches to the Waikato chiefs at Ngaruawhia this year, as well as in his speeches at the Kohimarama Conference, and in his evidence before the House of Representatives. "You also (Waikato) sold it to us in all its boundaries; therefore "I say that land has been fully ceded and given into our hands in open daylight. ". . . . Waikato has taken up arms to hold that which their own chiefs gave to "the Europeans, spreading it forth for their acceptance in the light of day and under "the shining sun of heaven. . . . Had it been territory not previously touched "or broken into, it would have been different; but this was not the case. . .

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* Governor Hobson, App. B. 1.
† Governor Hobson, App. B. 3.
‡ Clarke, App. A. 8.
§ Clarke, Parliamentary Papers.
‖ Protector Clarke, Fitz Roy, (in Parliamentary Papers), Hadfield, App. E. 14.
¶ Clarke, Spain's Report, Parliamentary Papers, 8 April 1846.

"The land has been consumed; it cannot return to its original state any more than the "ashes of a dead fire can be rekindled. This statement is not a new one; it was made "by me (here) at Waikato, and the old chief who has just died (Potatau) fully admitted "its truth. Referring to it, he said, 'it is correct.' Now, in accordance with your "customs, this land was completely forfeited and gone. Of the men who once possessed "it, some had been brought as slaves to Waikato; some had gone to Kapiti. It was a "complete abandonment of a conquered territory."*

31. "The Waikato title to Taranaki was universally admitted by the Natives at the time of the conquest, many acts of ownership over the soil had been exercised by them. The land was divided among the conquering chiefs, the usual custom of putting up flags and posts to mark the boundaries of the portions claimed by each chief had been gone through. Any occupation of the land by the Ngatiawa at that period was entirely out of the question; but those Natives who were released from slavery from time to time were permitted by Waikato to occupy; but those who had fled to the south were not allowed to return, and they were distinctly warned that if a return were attempted, it would be the cause for fresh war with Ngatiawa. The Waikato right was thus established as a right of conquest, and was fully admitted by the Ngatiawa themselves, who on each occasion when they sold a portion of land at Taranaki sent a part of the payment to Waikato, as an acknowledgment of conquest or of the right of mana possessed by the Waikato chiefs as their conquerors. In this view of the question it is quite evident that the Ngatiawa title had been superseded by the right of the conquerors."†

32. But the most conclusive evidence is furnished by the Waikato chiefs themselves, so long ago as 1844. When Mr. Protector Forsaith was sent down to Taranaki by Governor FitzRoy, he had interviews on his way with the Waikato and Ngatimaniapoti chiefs, who expressly asserted their title, and desired him to warn the Ngatiawas of it. "You are now going to Taranaki; listen to our parting words. That land is ours. We "claim it by right of conquest, and *some parts of it possession.* We hold the late "Governor's permission to locate any of the lands at Taranaki, provide we do not go "south of Urenui. *Go and tell the Ngatiawas that the Waikato chiefs remind them that "the land is theirs, and advise them to settle their dispute with Europeans, or the Waikatos "will settle it for them."* ‡

33. Another important proof of the validity of the Waikato title is afforded in the fact that when Wm. King finally decided to return to Waitara in 1848, he did so by the express permission of Te Whero Whero; thus recognizing the right of the latter to the district as conqueror, and illustrating a practice not unfrequent among the New Zealanders as a means of reconciling feuds and securing quiet occupation of land about which the tribes concerned might have been at war.§

34. And I beg to add this the further testimony given to myself by the Waikato chiefs, Tamati Ngapora (half-brother to Potatau) and Te Katipa, who absolutely maintain to this day the right of Waikato to sell Taranaki to Governor Hobson; and the important evidence of the Rev. Mr. Buddle and the Rev. Mr. Whitely, missionaries, who have resided at Taranaki, and who have been 20 years in the Colony, which has just reached me.‖

2. *Award of Commissioner Spain.*

35. I need not trouble your Grace with any account of the troubles which accompanied, as might have been foreseen, the return of the absentees and manumitted captives of the Ngatiawa. From 1841 to 1844 there occurred a series of disputes which kept both races in a state of chronic irritation and excitement. At last in May 1844, Mr. Spain, Her Majesty's Commissioner for determining titles to land, held his Court at Taranaki for the investigation of the case.

The circumstances of that officer's award must be too familiar to your Grace to require any detailed reference to them. Mr. Spain disallowed altogether the claims of the Ngatiawa captives and absentees, and gave judgment for the issue of a grant to the New Zealand Company of 60,000 acres, including the whole of Waitara. This award was reversed by Governor FitzRoy, as will be presently stated; but after careful reconsideration Mr. Spain remained of the same opinion, and formally reiterated the judgment he had given on the spot. In doing so he laid particular stress on the fact that no claim had been asserted on behalf of the absentees, though he afforded every opportunity to the Protector of Aborigines, who specially represented the native interests during the

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* McLean's Speeches, App. C. 1, 2. † McLean, App. C. 3. ‡ Forsaith's Report, App. B. 13.
§ McLean's Speech, App. C. 1. ‖ Buddle, App. E. 8.

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investigation, to adduce such evidence as was admitted by that officer in his address to the Natives; and he called attention to the further important circumstance that if the Protector had entertained the idea that the Ngatiawa captives had any just or equitable claim to the land, he ought to have brought forward such claim and urged its recognition, whereas his speech afforded abundant proof that he then held no such doctrine.* And in support of this view Mr. Spain quoted the opinion of the Rev. S. Ironside, a Wesleyan missionary of acknowledged experience and intimate acquaintance with the Taranaki question, who strongly deprecated even any payment whatever being made to the Ngatiawas.†

36. The reports of Protectors Clarke and Forsaith, made immediately after delivery of the Commissioner's judgment, in no way impugned his decision or suggested its reversal:‡ nevertheless the Governor reversed it, as I now proceed to state.

3. *Proceedings of Governor FitzRoy.*

The delivery of Mr. Spain's judgment caused a great excitement among the Natives, and numbers of them appealed at once to the Governor. In particular, Wm. Kingi, who was on the spot at the time, wrote a letter on the 8th June, two days after the judgment, to which I beg to call your Grace's attention.§ He there declares that not a single man of the Ngatiawa tribe received payment from the New Zealand Company, but only men of the Puketapu and Ngamotu tribes. This would be false, even if there were any foundation for the distinction attempted to be drawn between the Ngatiawa and the Puketapu and Ngamotu people; but there is no manner of doubt that these were *Hapus* or families of the Ngatiawa, equally with the Manukoriki branch, to which Wm. Kingi himself belongs. I shall by-and-bye have to remark on the significant fact that Wm. Kingi, though present at the time, asserted no claim whatever before Commissioner Spain.

37. Immediately on receiving the remonstrances of which I have spoken, Governor FitzRoy decided on coming himself to Taranaki, and meanwhile sent down Protectors Forsaith and McLean, with the Rev. Mr. Whitely, to prepare his way with the Natives. These gentlemen arrived overland almost simultaneously with the Governor, who held his inquiry at New Plymouth on the 3rd of August 1844. The Waitara Natives, by that time numbering about 250, were with difficulty persuaded to attend the Governor at all; and only did so on seeing that the Waikato chief Te Pakaru, whom Mr. Whitely had brought down to assist in settling the question, instantly complied with the summons. This was a signal mark of the respect with which we are told he was treated by the Ngatiawa people as one of their conquerors.‖ I beg leave to request your Grace's perusal of the report of the proceedings at that inquiry, which was published by authority in the native language after the manuscript had been corrected in English by Governor FitzRoy himself. The following extracts, however, clearly state the principles on which the Governor proceeded.

"I have no wish to fight," said the Governor. "One great work I have to do, it is "this. I will not permit one man to behave ill to another. My work is this, to carefully "settle the question about the land, and I will arrange it thus. I will not consent "to the Pakehas being expelled; the matter must be left with me. I will not "agree to your molesting the Pakehas, nor will I allow the Pakehas to molest "you. I will insist upon quiet being maintained. If you do not listen I will "bring soldiers that quiet may be kept. Now this is the Governor's opinion, that "all the Natives at Taranaki should go to their teachers, or to the Protector of the district, "who lives among them, and state the names of their places; and the Protector will "write down the names of the owners, and their estates whether belonging to man, "woman, or child; *and if such owner agrees to sell his place on reasonable terms, it "will be purchased, and he will receive payment.* Mr. McLean has been left by the "Governor as a Protector for you; he will arrange about your lands; be kind to him "and attentive to what he says; and point out your respective possessions correctly. "Do not quarrel, do not say all this is mine, all that belongs to me, but mark it out "quietly, and do not encroach on any other person's possessions, *but let every man point "out his own.* Do you ask why we are thus to take down the names of your places? "It is to prevent future mistakes. You have heard that no land will be taken unjustly. "If you sell it to the Europeans, well: but *you must be careful each to sell his own "property, and then he will receive the payment himself.*" ¶

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* Spain's Award, Clarke's Speech, App. B. 6.
† Ironside, App. B. 7.
‡ Clarke, Forsaith, App. B. 8, 9.
§ W. Kingi, App. B. 10.
‖ Whitely, Forsaith, McLean, App. B. 9, 11, 13.
¶ Official Report, App. B. 15.

38. Your Grace will observe that in this manifesto Governor FitzRoy first required that the existing disputes should cease; secondly, distinctly recognized the individual right to sell; and thirdly, expressly promised to purchase the land of any individuals willing to dispose of their rights.

In order that these rights might be ascertained, forms were prepared of schedules to be filled up by the claimants, and inquiries were at once set on foot among the various sections of the tribe.*

39. Having so far quieted the prevailing excitement, Governor FitzRoy returned to Auckland, promising to return in two months and make a final settlement of the dispute.

40. The result of these inquiries was not encouraging. At Waitara Mr. McLean found the Natives still resolved not to sell, and indeed he admits that they did not consider themselves empowered to negotiate without the consent of several absentee chiefs still residing at Kapiti, who owned the greater portion of the land.†

41. In November 1844, the Governor returned, as he had promised, to give his final decision. Certain proposals, made jointly by Protector McLean, Protector Forsaith, and the Rev. Mr. Whitely, were submitted to his Excellency, and adopted by him as the basis of that decision. In Mr. Forsaith's report of the transaction, dated 23rd November, he distinctly says,—"These suggestions have been so far approved by his Excellency that "his decision has been based upon the general principles they embody; the modifica- "tions required in their practical application to the existing dispute will doubtless be "made fully apparent in the more detailed report of McLean."‡

42. I beg the favour of your Grace's special attention to the following extract from those proposals:—"Let a block of land be marked out, bounded on the south by the "Sugar Loaves, and on the north by the Waiwakaiho river, running back as far as "the Company's surveys have been extended, or still further inland, if mutually "agreeable, which would comprise an area of 7,150 acres. Let a definite sum be fixed "as a fair and equitable price for this block at a certain rate per acre, from which deduct "the amount of payment which any of the present claimants may have received from the "Company; the unpaid resident Natives receiving their proportionate shares, and the "residue lodged in trust for the absentees, *who should have notice that unless their "claims are preferred and substantiated within a given period (say 12 months) they "would be considered forfeited. Such award should be final and absolute.*"§

43. It is then quite clear that in these decisions, as in the previous proceedings of Governor Hobson, neither the tribal right of the Ngatiawa, nor any seignorial right, nor any chieftain right to forbid the sale, were recognized by Governor FitzRoy; but that on the contrary, in accordance with his pledge two months before, he admitted the individual right of ownership; which, however, was hardly acknowledged in the proposed block. Seven thousand acres were to be laid off, whether the absentee claimants were willing to sell or not; a price per acre was to be fixed by the Government, whether the natives agreed to it or not, and the absentee owners were to come in and prove their claims in 12 months, or have them absolutely and finally forfeited. It is material to observe that Governor FitzRoy professed to admit the rights of the Ngatiawa "in all their integrity," and we have in these decisions conclusive evidence of what he considered those rights to be. It is true that the proposals were specific only as respected the block between the Sugar Loaves and the Waiwakaio, a river about five miles north of them; but that country was just as much part of the ancient possession of the Ngatiawa as the Waitara, and what was justice in one case would have been justice in the other.

44. I shall presently show that the principle here laid down by Governor FitzRoy in the first government purchase was exactly followed by Governor Grey; and I beg leave to remark, that in allowing Te Teira and his people to sell their own land at Waitara, I did no more at Waitara in 1860 than Governor FitzRoy thought it consistent with the Ngatiawa rights to do at New Plymouth in 1844, and had expressly pledged himself should be done.

4. *Proceedings of Governor Sir George Grey.*

45. The decision come to by Governor FitzRoy did not result in a cessation of disputes. The Government had to accept a block half the size originally fixed. The Ngatiowa chief, Moturoa from Wellington put in a claim to some country which was claimed by another section of the tribe; this section claimed part of the payment which another branch of

* Protector McLean, App. B. 12. † McLean, App. B. 11.
‡ Forsaith, App. B. 14. § Forsaith, App. B. 14.

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the tribe was to receive; the claimants flew to arms, and blood was all but shed. A striking account of these occurrences, and of the condition to which the right of chieftainship had been degraded in this broken and scattered tribe, is given by Mr. McLean in his official report of 17th December 1844.*

46. Soon afterwards W. Kingi, who had returned to his place at Waikanae, announced his intention of returning to Waitara with his people, and offered to sell Waikanae to the Government.† The proposal was discouraged by the Superintendent of the Southern Division‡, and by the District Protector, who reported that "their claim was of a doubtful "character; that the whole of the tribe had not consented to remove, as it was still "uncertain whether the Ngatimaniapoto and Waikato would allow them to resume the "territories they were many years ago obliged to surrender; and lastly, but particularly, "that Te Rauparaha desired him not to recommend their claims as valid."§ The proposal was referred to Governor FitzRoy, who minuted upon it,—"Read, R.F. 30 October "1845," but does not appear to have given any directions upon it.‖

47. In the meantime the Governor had, in a memorandum to the Secretary of State, briefly reported his disallowance of Mr. Spain's award.¶ The information he gave was not satisfactory to Mr. Gladstone, then Colonial Secretary, who sent out instructions to Governor Grey to endeavour to give effect to the award, unless he should have seen reason to believe that its reversal was a wise and just measure.**

48. The native insurrection of 1846, in which it is only just to say that W. Kingi bore arms on our side, had interrupted his plans for returning to Waitara, but upon peace being made they were revived, and he accompanied Sir George Grey in a visit which he paid to New Plymouth in February 1847, with the special object of settling the land question.

49. On the 1st and 2nd March the Governor held meetings with the Ngatiawa chiefs, and announced his decision. The principle of it was identical with that adopted by Governor FitzRoy. The following extract from his Despatch of 2nd May 1847, is submitted to your Grace, in which you will find that Sir George Grey expressly says his plan was "in fulfilment of the promises of his predecessor."

"Upon taking a review of the whole of these circumstances, together with our isolated and weak position in this portion of New Zealand, the only arrangement I thought could be advantageously made was, to acquaint the Natives that I should order, in the first place, that the most ample reserves for their present and future wants should be marked off for the resident Natives, as well as for those who were likely to return to Taranaki; but that the remaining portion of the country, in that district, should be resumed for the Crown, and for the use of the Europeans, that in fulfilment of the promises made by my predecessor, the value of the resumed land, in its wild and defenceless state, should be assessed by a Commissioner, and that a Court should then be appointed to inquire into the native titles to the whole or portions of the district so resumed; and that those Natives who established valid claims to any parts of it, should receive the corresponding portions of the payment to which they would become entitled. But very few of the Natives seemed disposed to assent to this arrangement; but they distinctly understood that it was my intention to enforce it."††

And the following extracts from his instructions to Mr. McLean, at the same time, show the precise mode in which the Governor meant the plan to be carried out.

"4. It is proposed to evade, in as far as practicable, the various difficulties which have arisen under these conflicting circumstances, by in the first place reserving to the several tribes who claim land in this district tracts which will amply suffice for their present and future wants; and, secondly, resuming the remaining portion of the district for the European population; and when the extent of the land so resumed has been ascertained, to determine what price shall be paid to the Natives for it; this amount not to be paid at once, but in annual instalments, extending over a period of three or four years; at the end of which time it may be calculated that the lands reserved for the Natives will have become so valuable as to yield them some income in addition to the produce raised from those portions of them which they cultivate.

"6. If possible, the total amount of land resumed for the Europeans should be from 60,000 to 70,000 acres; a grant of this tract of land will then be offered by the Government to the Company.

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* McLean, App. B. 11.; Parliamentary Papers, April 8, 1846, p. 143.
† W. Kingi, App. B. 17.
‡ Richmond, App. B. 17.
§ Kemp, App. B. 17.
‖ FitzRoy, ibid.
¶ FitzRoy, App. B. 16.
** Rt. Hon. W. E. Gladstone, App. B. 18.
†† Grey, Despatch, App. B. 19.

"7. The price paid for any portion of land should not, under any circumstances, exceed one shilling and sixpence per acre, and the average price should be below this amount. The greatest economy on this subject is necessary."

"10. This arrangement should be carried out in the first instance with those parties who have given their assent to it, including the Natives who have offered a tract of land for sale to the south of the Sugar Loaves.

"11. Where land without the block awarded by Mr. Spain is now acquired, and required for immediate use by the Company's settlers, sections must be surveyed for them.

"12. Those Natives who refuse to assent to this arrangement must distinctly understand that the Government do not admit that they are the true owners of the land they have recently thought proper to occupy."*

50. At first the Ngatiawa chiefs resisted this decision, but shortly afterwards it seems Governor Grey had reason to believe that Wm. Kingi meant to submit, for he informed the Secretary of State that he had ascertained that "the whole of the Ngatiawa tribe, "with the exception of one family of it, the Puketapu, had assented to the arrangement, "and that several European settlers had already been put in possession of their "lands."†

51. I have thus shown that, as in the proceedings of Governor Hobson and Governor FitzRoy neither the tribal right in the Ngatiawa, nor any seignorial rights nor any chieftain right to forbid a sale, was admitted at Taranaki by Sir George Grey; and that in the arrangement he proposed he intended to fulfil the promises made by his predecessor. But Sir George Grey certainly went a step farther than Governer FitzRoy; he refused to recognize *as a matter of right*, either tribal right or individual ownership. Reserves were to be laid off for the Natives; the residue of the land was to be resumed by the Crown for the European settlers; a price per acre was to be fixed (not higher than one shilling and sixpence per acre), and those Natives who did not choose to come into the arrangement were distinctly warned that they would not be admitted to be the rightful owners of the soil at all. I beg leave once more respectfully to remind your Grace that in simply allowing Te Teira and his people to sell their own land, I did no more at Waitara in 1860 than Governor FitzRoy thought it consistent with the Ngatiawa rights to do in respect of New Plymouth in 1844, and than Governor Grey thought it consistent with the same rights to do in respect of the whole boundaries awarded by Commissioner Spain.

5. *Ngatiawa Migration from Kapite.*

52. But Governor Grey had been deceived in the belief that the whole of the Ngatiawa tribe acquiesced in his decision. It was soon evident that Wm. Kingi was as much bent as ever on returning to Waitara. He pretended to be anxious not to act in opposition to the Government, but pressed on Major Richmond the offer of Waikanae; his anxiety on this head being caused by the scarcely concealed intention of the Ngatitoa tribe to seize on the land at Waikanae the moment he left it.‡

53. The Governor, hearing that canoes were being built at Port Nicholson for the migration, sent peremptory orders that they should be dismantled, and, if necessary, seized and destroyed;§ and these orders, and a memorandum recorded by the Superintendent, show clearly that at that time it was seriously in contemplation to prevent the migration by military force.‖ But Sir George Grey, desirous of trying a last effort to come to terms with Wm. Kingi, made a further proposal of certain conditions on which he would permit him to sell Waikanae and come up to Waitara. The basis of this proposal was, that Wm. Kingi should settle on the north bank of the river Waitara, and should "relin-"quish all pretensions to any lands on the south bank" (where the block purchased by me is situate). "Upon all pretensions being at once relinquished to all lands to the south "of the Waitara, the Government will, without further inquiry into such pretensions to "these lands, admit that from the prompt settlement they are making of this question "the Natives are entitled to such compensation as may be agreed on between themselves "and the officers of the Government.

"The Government will then also recognize and permit them immediately to dispose of their claims at Waikanae and Totaranui for such compensation as may be agreed on.

"The compensation in both cases to be paid in annual instalments, spread over a period of not less than three years."¶

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* Grey's Instructions, App. B. 20. † Grey, Postcript, App. B. 19. ‡ Richmond, App. B. 23.
§ Grey, App. B. 21. ‖ Memorandum, App. B. 21. ¶ Grey, App. B. 24.

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54. Thus, your Grace will perceive, that even in this proposal Sir George Grey carefully refused to recognize either the "Tribal Right" or any "Seignorial Right" in Wm. Kingi, and treated his claims as mere "pretensions."

55. Wm. Kingi agreed to the condition of locating himself on the north bank. At the end of 1847 offers to sell Waitara were made to Government, and just before the migration, in the early part of 1848, Mr. McLean went to Kapiti, any purchase of Waitara being kept in abeyance till all the claims should be clearly ascertained. At a large gathering of the Ngatiawas on that occasion, W. Kingi distinctly agreed to go on the north bank: "Let me return thither and I will then consider the matter" (of the sale). "When I get there, one side of the river shall be your's, and the north side mine, "whence I can look out for the Waikatos, in case that tribe should meditate an attack "upon us."* This was publicly stated by Mr. McLean at the Kohimarama Conference, adding, "That was his word, which is retained in the memories of myself and others here "present, who heard what passed between us."†

55. Further evidence of his intention is afforded in a proposal which he made to Te Teira. When W. Kingi thought of returning to Waitara, he sent to Teira and said: "Let "us return to Waitara; you take one side, I will take the other, as Waikato gives us per-"mission to return."‡

56. Under these circumstances the Government no further opposed the return of Wm. Kingi, and the migration took place in April 1848. On reaching Taranaki he went to reside at his ancestral place near the Manukoriki pah on the north bank, which bears the same name as the section of the Ngatiawa tribe to which Kingi belongs. His own claims and those of his immediate followers were represented by the best possible evidence, that of his own brother, to be almost exclusively on the north bank; and it was stated to Mr. McLean, who several years before had, in company with Kingi's brother, travelled over the district, when the respective claims of the different *Hapus* were pointed out to him, that even on the north bank King's ancestors had been but comparatively recent occupants.§

And the Chief, Ropoama Te Ore, at Queen Charlotte's Sound, when Mr. McLean was investigating the Waitara purchase, said that King's land was on the north bank. "I "(Mr. McLean) said to him, 'Waitara is offered for sale.' He (Ropoama) asked, 'By "'whom?' I inquired of him, 'Is it King's?' He replied, 'No; his land is on the "'other side of Waitara.'"‖

57. But as some of the Waikatos, under Rewi and other chiefs, were even then (1848) cultivating in the vicinity, and Kingi was in fear of an invasion from that tribe, he asked permission of Tamati Raru, Teira's father, to build a pah upon the piece of land on the south bank, now sold to the Government, which permission was granted.¶

6. *Further Events from* 1848 *to* 1859.

58. The immediate fruit of Sir George Grey's arrangement in 1847 was the acquisition of the "Grey Block," immediately adjoining the "FitzRoy Block" of 1844. In the early part of 1848, just before Kingi's migration, the Bell Block was acquired. I desire, in connexion with this last purchase, to bring three things to the notice of your Grace. In the first place, the land was bought from the Chief Rawiri Waiana, and a part of the Puketapu section of the Ngatiawa tribe, in the teeth of the most determined opposition from the Chief Katatore and others of the same family. Secondly, Wm. Kingi, who was at Wanganui at the time, on his way up with the migration from Waikanoe, put in a claim to the land, which was met in the way thus described by Commissioner McLean, in a speech to the Conference of Chiefs at Kohimarama: "He met me on this side of "Wanganui, and said to me, 'Do not give the payment for Mangati. I am willing that "'it should be sold, but I have a claim on it; let the payment be kept back till I arrive "'there; when I am there, let it be given.' I replied, 'It is well, William.' Some "months afterwards I called together all the people of Puketapu and other places to "receive the payment. Wm. King was also invited to be present to witness the pay-"ment. He came; and when the goods had been apportioned out among the several "divisions of tribes, I looked to see what portion was assigned to Wm. King. *None "appeared; he got nothing.* I therefore came to the conclusion that Wm. Kingi had "no claim at Mangati."** Thirdly, the purchase of the Bell Block received, in 1855, the unqualified approval of the Bishop of New Zealand, who, in his pastoral letter to the

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* McLean, Speech, Kohimarama, App. C. 2. † Ibid. ‡ McLean, Speech, Ngaruwhia, App. C. 1.
§ McLean, App. C. 3.; McLean, Evidence, App. C.; White, App. F.; Parris, App. C.; Hadfield, App. D.
‖ McLean, Speech, Kohimarama, App. C. 2.
¶ McLean, Evidence, App. C.; White, App. F.; Hadfield, Evidence, App. D.; Hadfield, App. D.; Parris, App. C.
** McLean, Speech, App. C. 2.

members of the Church of England at New Plymouth, said: "This happy result may be "fairly attributed to the judicious manner in which the purchases were completed. . . . "The whole business, conducted with the greatest fairness and publicity, was concluded "to the satisfaction of both Native and European."*

59. In further pursuance of the same plan, the Omata block, the Tatarainaka block, the Hua block, the Tarurutangi block, and other small pieces of land, were successively acquired, under the immediate control and supervision of Commissioner McLean, who says,—"The whole of the purchases previously made at Taranaki had been effected on "the same principle as the present one from Te Teira, namely, that of acquiring the "land from the different clans and subdivisions of clans which came in from time to time "to offer it."†

No such thing as a seignorial right was ever recognised either in W. Kingi or anybody else. No general "tribal right," or right of chieftainship was allowed to interfere with the rights of the several *Hapus*, or families, to dispose of their lands to the British Government.‡

At first the resident Natives objected, that "it would not be right to entertain the "claims of the absentees who forsook the land, and took no part in defending it against "the Wiakatos."§ But in every one of the purchases a portion of the payment was reserved for the absentees who had any claim, and these payments duly appear in the public accounts. ‖

60. I will not prolong this Despatch, which I fear your Grace will think has already reached an unreasonable length, by more than a passing allusion to the bloody feuds among the families of the Ngatiawa, which succeeded the return of W. Kingi; or to the disgrace to the British name and authority by murders perpetrated in open day, on public highways of a British settlement, and almost under the guns of the Queen's garrison; which led to my issuing a proclamation that any renewal of such scenes within our territory would be repressed by force of arms. These are amply detailed in the papers duly transmitted to the Colonial Office, and presented to the General Assembly in the last four sessions. But a signal instance of the ferocity by which these feuds were marked is exhibited by the manner in which W. Kingi,—who not very long after was writing to the Venerable Archdeacon Hadfield, "we are residing here in great grace "of our Lord Jesus Christ,"—proposed to treat his enemies: "A short time since when "the position of Ihaiah seemed desperate, and when his principal opponent, W. Kingi, "had evinced a determination to slaughter, without regard to sex or age, the inmates of "the Karaka pah, a memorial was addressed to his Excellency the Governor, praying "him to rescue these unfortunate people."¶ Ihaiah has never recovered from the sufferings he underwent at that time, and remains to this day a broken man, covered with sores, but his courage and faithful loyalty to the Queen are as conspicuous as ever.

7. *Proceedings of Governor Gore Browne in relation to the Purchase at Waitara.*

61. It was in the hope of putting an end to the dreadful scenes which had been enacted for so many years at Taranaki, that I held a meeting of the Ngatiawa chiefs at that place in March 1859, and made a public declaration of my intentions for the future. I then laid down the principle that while, on the one hand, I would buy no land the title to which was in dispute by its rightful owners, I would not permit either chiefs or people to forbid the sale of land by such members of the Ngatiawa tribe as were willing to cede their own land to Her Majesty.** The scene which took place when Te Teira, upon my accepting his offer of land, subject to investigation of title, laid a *parawai* mat at my feet in token of the cession of his rights, must be familiar to your Grace.†† But for graphic descriptions of it, I beg leave to refer your Grace to the addresses delivered by Mr. McLean at the great meeting of Waikato chiefs in May last, and at the more recent Conference of Chiefs.‡‡ At the conclusion of the first-mentioned address, many of the Waikato chiefs were heard to say: "The speech of Mr. McLean was quite straight: "great was its light."§§

62. Te Teira's right was disputed before me by no one but a man named Paora; on the contrary, the cry arose "Waitara is gone!" But though W. Kingi did not venture to contest in that assembly of chiefs the right of those whose representative Te Teira was in the offer, he expressed his determination to forbid the sale. "W. Kingi before addressing

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* Bishop of New Zealand, App. E. 6.
† McLean, Evidence, App. C. 3.
‡ McLean Evidence, App. C. 3.
§ McLean's Speech, App. C. 2.
‖ Public Accounts, Sessional Papers, General Assembly, 1856, 1858, 1860.
¶ Memorial, Provincial Council, Sessional Papers, General Assembly, 1858.
** Official Statement, App. E. 12.
†† Official Statement, App. B. 1859; Parris, App. C. 4.
‡‡ McLean's Speeches, App. C. 1, 2, 4.
§§ Buddle, App. C. 1.

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"the Governor, said to his people, 'I will only say a few words, and then we will depart;' "to which they assented. He then said, 'Listen, Governor! Notwithstanding Teira's "'offer. I will not permit the sale of Waitara to the Pakeha. Waitara is in my "'hands, I will not give it up; *Ekore, ekore, ekore!* (I will not, I will not, I will not). "'I have spoken!' And turning to his tribe, added, 'Arise, let us go,' whereupon he and "his followers abruptly withdrew."*

This was not the first time he had informed me of his determination to prevent any sales of land at Waitara. In a letter he addressed to me on the 11th February 1859, about a month before my visit to New Plymouth, he said, "Do you hearken to our "Runanga (village council) respecting the land. The boundary commences, &c. &c., ". . . I have therefore written to the Governor and to you to tell you of the "Runanga of this new year, which is for withholding the land, because some of the "Maoris still desire to sell land, which causes the approach of death. It is said that I "am the cause, but it is not so; it is the men who persist; they have heard, yet they still "persist. If you hear of anyone desiring to sell land within these boundaries, which we "have here pointed out to you, do not pay any attention to it, because that land selling "system is not approved of. This is all." †

62. Now it is very material to examine this letter, because it affords conclusive evidence of the character of Kingi's claim, and a clue to all his subsequent proceedings. He claims a right over all the land between Mokau and Waitaha, a distance of more than 40 miles. Now the Waitaha stream is the northern boundary of the Bell block; to the north of it the Puketapu branch of the Ngatiawa have large possessions. The chief of that section of the tribe is Mahau, who would never for a moment recognize a "seignorial right" in Wm. Kingi over his lands; who is in arms with us, and who in the exercise of his undoubted proprietary rights came to an arrangement with Te Teira as to a dividing boundary; and would with his people resist any claim of W. Kingi's in 1860, as they successfully resisted Kingi's claim to the Bell block in 1848. In like manner the claim of Kingi to the whole territory, extending 40 miles north of Waitara, is so utterly preposterous as to require no notice here. I allude to his letter because it was an open declaration of the purposes of the Taranaki land league, of which I shall presently speak, and because it set up, just before my visit to Taranaki in 1859, precisely that kind of claim, and no other, which, a month after, he raised when Teira's offer was publicly made.

63. Immediately after the meeting of March 1859, I directed that a formal notice should be sent to Wm. King, Te Patukakariki, and the other chiefs of Waitara, informing them of Teira's offer, and inviting them to send in any claims they had;‡ and on the 12th April, I caused a second letter to be written to Kingi, in which I especially warned him thus. "The Governor's rule is for each man to have the word as regards his own "land: that of a man who has no claim will not be listened to."§ The reply I received, dated 25th April, says: "I will not agree to our bedroom being sold (I mean Waitara "here), for this bed belongs to the whole of us. Do you hearken to my word. If you "give the money secretly, you will get no land for it. You may insist, but I will never "agree to it. Do not suppose that this is nonsense on my part; no, it is true, for it is "an old word, and now I have no new proposal to make, either as regards selling or any-"thing else. All I have to say to you, O Governor! is that none of this land will be "given to you; never, never, not till I die." ‖

There is an expression in this letter which has been much relied upon as conveying a distinct notice of proprietary right. Much ingenious argument has been used to give the word "bedroom" a peculiar form. It is urged that Kingi refers in a touching manner to the ancient birthplace of his people, the cradle of his race, which, according to immemorial usage, was invested with a specially sacred character. In order to dispel this illusion, it is only necessary to say, first, that the birthplace of Kingi's immediate ancestors was at Manukorihi on the north bank, and secondly, that the word in the original Maori letter is "*petiruma*," a corruption of the English word "bedroom," and devoid therefore of the remotest connexion with any native tradition or sentiment.

64. But the question of any proprietary right having been asserted in this or any other letter of Wm. Kingi's is conclusively set at rest by his own public admission, openly made in the presence of his people on the 29th November 1859, to the District Commissioner:—

"Wm. Kingi avowed his determination to oppose the sale without advancing any reason for doing so; upon which I put a series of questions to him, which I called upon the Rev. Mr. Whitely to witness.

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* Official Statement, March 1859; Parris, App. C. 4.
† W. Kingi, App. B. 25.
‡ Notice to Chiefs, App. C. 3.
§ Native Secretary, App. B. 25.
‖ W. Kingi, App. B. 25.

"*Q.* Does the land belong to Teira and party?—*A.* Yes; the land is theirs, but I will not let them sell it."

"*Q.* Why will you oppose their selling what is their own?—*A.* Because I do not wish for the land to be disturbed; and although they have floated it, I will not let it go to sea." *

At the same time the Commissioner, in accordance with directions from me to that effect, read out the boundaries, and appended the following notice to the description:—

"If any other person can prove that he owns any part of the land within the boundaries above described, his claim will be respected, and he will be allowed to retain or sell the same as he may think proper." †

65. An attempt has been made to interpret W. Kingi's answers in a non-natural sense. I allude especially to the endeavours of Archdeacon Hadfield and Rev. Riwai te Ahu, to explain what Kingi meant to say.‡ But this was exposed in the masterly speech of Chief Justice Arney, delivered in the Legislative Council on the 30th August last, of which I beg leave to invite your Grace's perusal:—"I am aware that I shall be told "that the words in Maori have a profound and hidden meaning, not intelligible to the "unlearned. And when we have applied our simple faculties to apparently plain "expressions, some recondite Maori scholar tells us, 'Oh! if you knew the habits of "'thought of the native mind, you would discover that those expressions convey a mean-"'ing very different from the plain import of the words themselves.' To be sure the "scholars themselves may differ upon the interpretation; but, his Excellency is com-"pelled to act upon the light afforded to his own understanding. Was it then too much "to expect that even W. Kingi ('lofty and proud and ancestral chief,' though he may "be,) should have condescended during the interval between March 1859 and March "1860, to state the meaning of his conduct? But no, after 12 months of sulky "defiance, he treated the interview proffered by Her Majesty's representative with "scorn . . . I do not understand those gentlemen, who find in such conduct and language "an intelligible claim of right to land, or any other declaration than a declaration "of war." §

66. But if W. Kingi failed then, and has failed ever since, in establishing a proprietary right, this cannot be said of the people whom Te Teira represented. The weight of testimony is in favour of their rights. I select the following because your Grace will prefer the evidence of native chiefs to the statements of Europeans.

At the Ngaruawhia meeting last May, Kapereira said: "I accompanied Wi Tako in "his return from Waikato, we saw Ihaiah and Teira. Teira asked, 'For what purpose "'have you come?' We replied, 'To inquire about the Mat,‖ and to take the truth "'back to Waikato.' I went to W. Kingi, and said, 'I have come to inquire about the "'Mat.' He replied, 'The report is correct, I looked on in silence.' I said, 'That was "'your error, you ought to have taken it away.' 'I did not,' he replied; 'I simply "'threw a word at the Governor, and said, I will not give you my land. I did not "'take up the mat, but I spoke my word. The Pakeha wants our land; but this war "'is about your Maori king. Don't listen to the Pakeha, but bring your flag to "'Waitara. Go back and clear them out, send them all back to England.'" ¶

Te Wetini Taiporutu said, "If the Governor's money was laid down for the land at "Waitara before it came under our law, then he is right." This chief, one of the head chiefs of the Ngatihaua, was killed at Mahoetahi the other day.**

Heta of Ngatihaua said, "Make haste, hold the land, though it was Teira's, hold it." ††

At the Conference at Kohimarama, Hohepa Tamaihengia, an Otaki chief, said: "In "my opinion Teira's piece of land is his own, and he has a right to sell it to the "Governor. I condemn W. Kingi." ‡‡

Hukiki, another Otaki chief, said: "I will now express my views about Taranaki. "When Teira sold his land, and laid down the Parawai as a pledge, W. Kingi did not "come to take up the challenge, but went away." §§

Hetaraku Nero, a Waikato Chief, said: "When the land was offered for sale, Mr. "McLean investigated the title according to the custom of land purchase. The nature "of Teira's claim induced the Governor to side with him. Then W. Kingi was grieved; "evil sprang up in his heart, and he declared war with the Governor." ‖‖

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* Parris, App. C. 7. † Parris, App. C. 4. ‡ Hadfield, App. E. 14; Riwai te Ahu, App. D. 5.
§ Chief Justice, App. E. 1. ‖ The Parawai that Teira deposited at my feet in March 1859.
¶ Kaperaira, App. D. 1. ** Wetini, App. D. 1. †† Heta, App. D. 1.
‡‡ Hohepa, App. D. 2. §§ Hukiki, App. D. 2. ‖‖ Hetaraku, App. D. 2.

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Arama Karaku, a Kaipara chief, said: "The land belonged to Teira and W. Kingi. "Te Teira parted with his portion."*

Tamihana te Raparaha, an Otaki chief, well known in England, said: "That land "belonged to Te Teira; he inherited it from his ancestors. When they resided at "Kapiti no boundaries were fixed. The Pakehas came, bringing the Gospel and peace. "Then the slaves were liberated. It was only when he returned to Waitara that Te "Teira became acquainted with the boundaries (possessions) of his ancestors. . . . "Now let us approve of the course pursued by Te Teira. He sold the land under the "light of day. He gave a *Parawai* as a covering for this land. W. Kingi did not take "it away, so as to repudiate Teira's claim to the land."†

Lastly. The Rev. Riwai te Ahu, in his letter to the Superintendent at Wellington (so much relied upon by the apologists of W. King), distinctly admits: "For instance, "Mr. C. W. Richmond writes, Taranaki, March 1860 (which has been heard by every-"body), Teira's title has been fully investigated, and is perfectly good; there is no one "to deny his title, *Yes, his title is good to his own pieces within the boundaries of that "land; two or three pieces.* Our title is equally good to our own pieces; some have "one, or two, or three, or four, within that block."‡

And Archdeacon Hadfield himself says: "Teira's father is indeed the owner of a "small portion of the block."§

67. The question, therefore, narrows itself simply to this: How much or how little land Te Teira and the other chiefs who joined with him in the sale to Her Majesty owned? It was to ascertain this that I desired to make the survey which was forcibly interrupted by W. Kingi. As Katatore had done before him in 1844, he "would not "consent to any information being given as to land, or individual portions pointed out "fearing it might prejudice his assumed influence."‖

V. MISREPRESENTATIONS OF THE ABOVE PROCEEDINGS.

68. Your Grace will not expect that I should notice any misstatements out of the numbers that have naturally enough been spread abroad since the insurrection broke out, except such as may appear in documents which have been sent to me for transmission to the Colonial Office. I wish, however, to notice a few of those which appear in a letter which I saw for the first time in a newspaper a few days ago purporting to be addressed to your Grace by Archdeacon Hadfield, from Otaki, on the 29th May last. The Archdeacon states, that "he is informed that the petition of the Natives of Otaki "for my recall was, through some alleged informality, detained, thus furnishing another "instance of the difficulty experienced by the Natives in obtaining any remedy for an "act of injustice." The petition reached me on the 19th April, and on the 28th of the same month I informed your Grace that I had received it, and would forward it after making inquiry as to its authenticity, by the next mail. Accordingly, I did forward it by the next mail, namely, on the 25th of May. The Archdeacon asks if it will be believed that (the survey having been attempted on 20th February) martial law, dated Auckland, 25th January, had already been placed in the hands of a subordinate officer to be used at his discretion. This has been explained in my Despatch, No. 64,* of 28th June 1860; but I may here state, that the only use or object of martial law was to enable the officer commanding to call in settlers, and subsequently to embody them for the defence of the town, should it prove necessary to do so. Not to have provided for such a possible contingency would have been most culpable. Martial law was applicable to the settlers alone. Indeed, the Maoris in Taranaki have never recognized our law at all, so that a suspension of it could not affect them in any way. Lieut.-Colonel Murray, to whom this power was entrusted, had received the same power in 1858, and did not use it, so that there was no reason to doubt his discretion.

* Page. 74.

The Archdeacon also says: "The question at issue is simply this, is a native chief "to be forcibly ejected from his land, because an individual member of his tribe tells a "subordinate land agent that it is his, and not the chief's, and that agent believes him? "*The Governor says, Yes; the Chiefs say, No.*"¶

In answer to this, I can only say, it is not true that I have forcibly ejected Wm. King from his land. It was known from the first that he had a small portion of land

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* Arama, App. D. 2. † Tamihana, App. D. 2. ‡ Riwai, App. D. 5.
§ Hadfield, App. E. 14. ‖ Report, 1844, App. B. 11. ¶ Hadfield, App E. 14.

on the south bank of Waitara river. This was left out of the survey; and if Kingi had any further proprietary claim, it was expressly saved by the memorandum I have quoted above.*

Archdeacon Hadfield says: "Some years before the establishment of the British "Government in New Zealand, a large portion of the tribe migrated to the southward "to Cook's Straits *for the purpose of being near whalers and obtaining English goods*; "W. Kingi was one of this party."†

The migration had certainly no such peaceful character: the evidence of the Protector of Aborigines in 1844 is clear, that it took place for purposes of conquest.‡ A further migration took place under terror of the Waikatos, and "at the time of the invasion," says Governor FitzRoy, "by far the greater number of the Ngatiawas, with their principal "men, were absent on a hostile excursion in the south."§

Again, "But they (the Waikato) never held possession of the land, and consequently "never acquired any title to it."‖ But the possession, occupation, and cultivation have been proved above to have existed, and the title to have been maintained.¶

Again, "Wm. King, it will be observed, was never conquered or driven from his land."** The fact is, he ran away from it, and went back by permission of the conquerors and of Sir George Grey.††

Archdeacon Hadfield says: "I deny that any investigation whatever deserving that de-"signation has ever taken place. *The Chief Commissioner did not investigate the claim.*"‡‡

Now, in answer to this grave charge, I beg leave to refer your Grace to the following testimony by the Chief Commissioner: "But we did not take the land at once. You "say we were hasty, but we were not. Eight months passed over before the bargain was "closed. We inquired of all the people, and could not find any rightful claimants but "Teira and his friends. We said, if Wm. Kingi has a piece in this block we will not "have it, we will leave it outside. Do not say then that the Governor made haste to "buy it; he took time enough to investigate the claim. You have said that one man "sold the land, but there were 70 persons consenting to the sale."§§

"Before leaving Taranaki I instructed the Land Purchase Commissioner there to investigate carefully the claims to this piece of land, and not to proceed hastily in the matter. He has since been constantly engaged in inquiring into the question of title, W. Kingi also being present at the meetings, and admitting that the land belonged to the sellers. After the talk about the Waitari I crossed the Straits to Arapaoa, and saw that section of the tribe which is with Ropoama te Ore. I mentioned that a portion of the Waitara had been offered. I recited the boundaries, and asked, 'Does that land 'belong to King?' The reply was, 'No; if it was on the other side of Waitara his 'claim would be just, but this side belongs to us, let us have the payment.' . . . They pressed the matter, and a third time they asked me to give them the payment. I replied, 'Wait 'until the question is properly settled.' Afterwards they agreed to this. The names of these Arapaoa people who have claims at Waitari are Ropoama Te Ore, Ripeka, Ngawheua, Herewini, Ihaku, Te Rehinona, Timoti, Anaru, Himona, Heneri Rupuha, Arapere, Hamiora, Tohi, Pirihira, Nata, Rakira, Eruera Terangi, Wheroa, Te Rei, and others. These people consented to the sale. It was I who delayed the matter, wishing that the claims should be investigated upon the land of their forefathers."‖‖

69. I beg to remark that one of these speeches, addressed by Mr. McLean to the assembled chiefs at Ngamawhia and Kohimarama was delivered within a few days of the date of the Archdeacon's letter, and the other a few weeks after. The following are extracts from the Chief Commissioner's evidence at the Bar of the House of Representatives:—

"With reference to the particular block under consideration, the claims of the actual owners were carefully inquired into. Notice was given publicly at the time of the purchase to such absentee claimants as were known to have a right to the soil. It was not considered necessary to go about the country to rake up claims, or to induce Natives to prefer them. It was well known that when any block of land was offered for sale there was no hesitation on the part of claimants to come forward and receive that portion of the proceeds to which the extent of their claims might entitle them. The sale of any

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* Parris, App. C. 4. † Hadfield, App. E. 14. ‡ Clarke, App. B. 8.
§ FitzRoy, App. B. 16. ‖ Hadfield, App. D.
¶ Clarke (1844); McLean; Waikato Chief (1844); White, Wilson, Buddle, Tamati, Ngapora, Rutipa, &c. &c., *ut suprà*. ** Hadfield, App. E. 14. †† White, McLean, Grey, &c, *ut suprà*.
‡‡ Hadfield, App. E 14. §§ McLean's Speech at Ngaruawhia, App. C. 1.
‖‖ McLean's Speech at the Kohimarama Conference, App. C. 2.

land in the country soon becomes known throughout it, from one end to the other, and it is often found that a hundred fictitious claims are adduced when the actual owners altogether do not exceed 30 or 40 persons. There has been a great deal said about unsatisfied claims in different parts of the country, but my own conviction is that many of those claims have been manufactured. At all events, I found that in the course of a few months after the time of the first offer of the land, and my notification of it to the tribes at the south, several parties were adducing claims who had never previously done so. It is notorious that if any Native thinks he has any chance of obtaining money for land, it is an easy matter for him to assert a claim."*

"During the investigation which took place, and while the difficulty was being adjusted, I felt convinced that the claims then preferred by these conflicting parties were substantially good, and that in fact the sale must be proceeded with, or otherwise the natives who had offered the land would be treated with great injustice. The officer whom I instructed to conduct the negotiation (Mr. District Commissioner Parris) was requested to persevere in his inquiries in the matter from time to time; not in any way to hasten the arrangements, but to give full opportunity to opposing claimants to come forward and state their case. He not only did this, but he also took a great deal of trouble in visiting, as far as lay in his power, every part of his district, to make sure that there should be no substantial claim overlooked. I have already stated that there was a public notification from myself, inviting all persons who had claims, to bring them forward in order that they might be carefully investigated. No fresh claims were recorded, however; no rights were shown by the Natives who opposed the sale, except the right which the Land League conferred upon them; that of claiming land everywhere, and opposing the sale of land everywhere."†

"There was no urgency displayed in this matter; no desire to hasten it, but ample time was given to all parties to put forward their claims, and not only was there ample time given, but claims were solicited and hunted up in every direction in Taranaki itself. Yet with the exception of the two tribes who sold the land on the banks of the Waitara, and another tribe on the banks of the Wainigana, who were joint claimants to a part of the block, no substantial claims were put in. If I were to say that no other claims were adduced I should be wrong; but I mean no substantial claims, no claims that could be recognized by the Government, or which would be regarded by the Natives as valid. Certainly one man told me that his grandfather once lived a short time on the land, and that he therefore expected compensation. Another told me that in one of their fights he was wounded and suffered great inconvenience there, and therefore thought it was right that he should have some consideration now that the land was sold. Now this is the class of claims of which I have just been speaking, which it is clearly the duty of the Government to resist, as otherwise it would be an utter impossibility to carry out any purchase of land without defrauding the real owners. By compensating this class of claimants the real owners would be deprived of what they are fairly entitled to, and merely because the Government chose to recognize fictitious claims of this character."‡

"The Chief Ropoama, who offered to dispose of his claim, was recognized as the head of the Hapus, or subdivisions of the Ngatiawa tribe, who owned the land and sold it. He holds a high position among his people, and is much respected by the Europeans. On several occasions it was contemplated by the Natives of Waitara to invite him there, and to live among them as their chief, to keep peace and order in the tribe. In this arrangement W. Kingi (about whose chieftainship we have heard so much, and who undoubtedly was a chief of section the of the Ngatiawa at Waikanae) acquiesced. No actual payment or promise of payment was made to the Natives at Queen Charlotte's Sound at that time. When they informed me that they had agreed to sell the land, my reply to them was that they had better wait until matters had been finally arranged at Waitara, as I should not feel myself justified in concluding the purchase with them till then. Having arranged that they should be paid after matters were settled at Taranaki, I left Ropoama's place for Wellington, where I notified to the Natives what had taken place with reference to Waitara. I had previously ascertained the names of the Wellington claimants to the land. I consulted them about it, and made similar arrangements with them to those which I had made with Ropoama, that they should be paid when the block was settled for at Taranaki. I believe that one or two of Ropoama's people were at Waikanae at that time, and he promised to see them on their return, and to endeavour to arrange matters

* McLean's Evidence at the Bar of the House of Representatives, App. C. 3.
† Ibid. ‡ Ibid.

with them in respect to their claims. It has been recently stated that, in addition to these persons who are known and recognized as the actual owners, claimants are to be met with at the South as numerous as a swarm of bees; but I think that those who say so would find very great difficulty in establishing anything beyond mere assertion of right to the land comprised within the Government purchase. Knowing how scattered the claimants were, and the difficulty of getting them altogether in any one place, at any one time, I was a long time pursuing investigations before I myself came to the conclusion that the purchase was quite satisfactory; but the more I inquired into the case, and came into contact with impartial Natives residing at a distance, and having no particular interest in the locality, the more I became satisfied that the purchase was a good one." *

70. But the complaint is that the investigation was not by some Court. "What is "demanded by the Natives," says the Archdeacon, "is an impartial Court in which their "respective claims can be stated, and before which they may bring evidence to be "received on oath. Nothing short of an inquiry conducted on such principles as these "can be considered an investigation of their titles to land." †

71. In reference to this the Chief Justice, in the speech to the Legislative Council, which I have before quoted, says: "On the present occasion it is enough to say that if "W. King had any title, tribal or otherwise, he owes it to himself that his title was not "recognized; seeing that the purchase from Te Teira and others was not hastily con-"cluded, but that while his Excellency's conduct was marked by patient and thoughtful "reserve, he was met not only with defiance, but with contempt. . . . But, Sir, "when I assert that his Excellency was forced into this war by circumstances beyond "his control, I look a little beyond this isolated purchase of Teira's land. I ask in what "condition his Excellency found the native race? And when it is said that Kingi's "dispute should have been referred to some tribunal, I ask, What tribunal? If you tell "me to the Commissioners, I ask, What Commissioners? If Kingi had been sum-"moned before some tribunal, and had, as assuredly he would have, refused to come— "what then?" ‡

And Mr. Swainson, in his speech in the same debate, said, "I do not mean to say that "if any such tribunal had existed, the native disturbances at Taranaki, would never "have arisen; neither do I make the remark in disparagement of the present Ministry. "I believe that the present Government is no more to blame for the want of such a "tribunal than the Governments who have preceded them. I am the more careful to "make this statement, because the Governor has been blamed, but as I believe unjustly "blamed, for not having submitted the claims of W. Kingi to a Court of Law." §

72. But when such a tribunal was in existence, when the opportunity was before him of giving "evidence on oath" with respect to his claims. W. Kingi did not avail himself of it. Why did he not, being on the spot at the time (as I have proved above), tender his evidence before Commissioner Spain, whose Court was precisely such a tribunal as is referred to? What he would not do in 1844, he would not have done in 1860, or at any other time, namely, appear before any tribunal whatever, with the least intention of submitting to its decisions. And if any such tribunal had existed in 1860, he would have been met at once by this rule, stated by the Bishop of New Zealand, in his evidence before a Select Committee of the House of Representatives: "I believe that it is in "accordance with native custom that any person *not asserting a claim at the time of "sale would be barred.*" ‖

73. Archdeacon Hadfield further says: "The absurdity of the procedure, not only "in this particular case, but in all the so-called investigations of native titles to land, "appears in the fact, that up to the present time no principles have been laid down as "to what constitutes a title to land." ¶

To this I oppose the facts which I have detailed above, that the most clear, and decided, and uniform principle has been laid down ever since 1844, in dealing with the Ngatiawa title at Taranaki; and the opinion of one of the authorities I have quoted on native tenure, who says: "I believe that were it possible to teach the Maoris the English "language, and then bring them into some Court, allowing each contending party to plead "his cause in such a dispute as I have mentioned, not according to English law, but "Maori custom, both sides would, according to native genealogy and laws, make out "their respective cases so clearly, that it would take a judge and jury possessed of more "than human attainments to decide the ownership of the land." **

* McLean's Evidence at the Bar of the House of Representatives, App. C. 3.
† Hadfield, App. E. 14. ‡ Chief Justice, App. E. 1. § Swainson, App. E. 2.
‖ Bishop of New Zealand, App. E. 3. ¶ Hadfield, App. E. 14. ** White, App. A. 14.

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74. Archdeacon Hadfield says: "Still I feel bound to express my opinion that the "Governor's attack on W. Kingi, was not only impolitic, but under the present circum- "stances of the Colony, an act of folly bordering on insanity."*

In answer, I beg to submit the opinion of the Chief Justice, who says: "From the "moment when Te Teira offered for sale his interest in that block of land, and placed "his mat before the Governor, in token of its surrender, his Excellency was bound by "every consideration of treaty and of justice, to accept the offer to the extent and upon "the conditions on which he then accepted it. I think further, that from the moment "when W. Kingi, after passing with insult and defiance from the Governor's presence "on that occasion, after declining for 12 months to explain the nature of his own "claim (if such he had); or the grounds of his prohibition upon the sale; after resisting "the survey by force, and rising with his followers in arms,—when, I say, after the same "events, this same chief refused even to meet his Excellency, under a written promise "of safety, but responded to his Excellency's forbearance only by war dances, war pahs, "and the murder of unarmed settlers, his Excellency had no alternative but to accept "the issue thus forced upon him."†

75. Archdeacon Hadfield has committed himself to one positive statement of fact among vague assertions in which his letter abounds. He says: "But with regard to "Te Teira's right to sell, which is so positively asserted, and on the supposed validity "of which a war has been commenced at Taranaki, can I expect to be believed in "England, when I assert, *as I do unequivocally*, that Teira's father, Tamati Raru, "through whom alone the son could lay claim to any land as inherited by him from his "ancestors, is still living, and opposed its alienation? Teira's father is indeed the owner "of a small portion of the block, but it would be irrelevant to the purpose of my "present argument to discuss his right to sell, inasmuch *as he has refused to do so, "and co-operated with W. Kingi, in opposing his own son up to the very commencement "of hostilities.*"‡

In answer to this positive assertion of fact, it is only necessary to say that the Archdeacon's letter was dated 29th of May; that hostilities commenced on the 18th March; and that Tamati Raru, Teira's father, signed the deed of sale to Her Majesty on the 24th February; that he was one of those who cut the boundary line; that he asked for and received a gun, and has constantly borne arms on our side.§

76. I now refer to the last matter on which I shall trouble your Grace, in reference to the Archdeacon's letter. Speaking of the official statement which I had caused to be circulated immediately on the breaking out of hostilities, the Archdeacon says: "I deny "the truth of all the statements. I am prepared to prove their falsity here, where "evidence can be obtained."‖

77. Upon the General Assembly being finally summoned for the despatch of business on the 31st July last, Archdeacon Hadfield came up from Wellington. The House of Representatives, being made aware of the strong views which he entertained on the subject of the Waitara purchase, examined him at the Bar of their House. Considering that on the 29th of May, he had committed himself in a public pledge to your Grace that he was "prepared to prove the falsity of all my statements," his evidence at the Bar in August, when he had so much more time to complete his case, should have been clear, definite, and conclusive.

78. The following summary of his answers on most important points, requires no comment. When he is asked if he knows the position of the land in dispute, he says, "I do not know the precise boundary line." When asked who were the owners of the land previous to the dispute, he says, "I have direct information from persons stating "they are claimants; I am only giving my opinion on that information." When asked on what authority he states there are 90 claimants on the block, he says, "What I have "now stated on this subject rests on the assertion of others. I am here as an unwilling "witness in the case before the House, unprovided with direct proof. I am but a "secondary witness; *I do not know whether I fully understood the question.*" When asked whether W. Kingi is one of the 90, he says, "I have before stated that the right of "the tribe extends over the whole of that block, therefore he is one of the claimants." When asked whether W. Kingi ever made a proprietary claim, he says, "*I hear* that he "made a proprietary claim to a portion of the block." When asked what proof he has of a certain Native (Hamere) having a claim, he says, "An old man who resided at

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* Hadfield, App. E. 14. † Chief Justice, App. E. 1. ‡ Hadfield, App. E. 14.
§ Deed of Sale, App. C. 6. ‖ Hadfield, App. E. 14.

"Waitara 40 years, pointed out to me *when I was at Waikanae* (150 miles away), "portions of the land which belonged to W. Kingi." When asked whether he is acquainted with the details of the negotiations for land in the New Plymouth district, he says, "I could not say that I was acquainted with the details." When asked of whom the Bell block was bought, he says, "Principally, I believe, from returned slaves from "Waikato, so I have been informed." "Of whom the Hua block?" "I do not know." "Of whom the Tarurutangi?" "I do not know." When asked if W. Kingi received any payment for the Bell block, he says, "I do not know whether he did or not." When asked the territorial boundary of the four *Hapus*, of which he says W. Kingi is the head, he says, "I am not acquainted with the boundaries, *I have never professed to be* "*acquainted with the boundaries.*" When asked whether these four Hapus have equal rights to the south bank of Waitara, he says, "I think they have." When asked if Kingi's people ever cultivated on the disputed block, he says, "I am not aware that they "have cultivated any part of that land since their return." When asked whether any of their cultivations were in the disputed block, he says, "I do not know from personal "knowledge." When asked where Reretawhangawhanga (W. Kingi's father) had his pah before the migration, he says, "I do not know." When asked if there was a pah on the disputed block before the migration, he says, "I do not know." When asked on what authority he said there was no investigation of the absentee claims, he says, "I am quite "certain none was made at Waikanae. It must be generally understood that my evidence "in reference to this dispute is derived chiefly from the Chiefs Hohepa Ngapaki and "Riwai te Ahu. I have had information from others, but I limit myself to those two." When asked whether W. Kingi had any opportunity offered him of stating his claim to the Government Officers, or to the Governor himself, before military force was brought into action, he says, "I presume he had innumerable opportunities, he might have written by "every post; he had an opportunity of meeting the Governor after the publication of "martial law. (After further conversation between Mr. Sewell and the witness, the "witness said,) I must then confess myself unable to understand the question." Being asked whether prior to the dispute he had had conversations relative to the respective rights of the four Hapus to the south bank, he says, "I have previously stated that I "believe in the fact of the tribal right of W. Kingi, having stated as much distinctly, *it* "*is a question in which I take no interest, as I think it irrelevant.* I have had "conversation on the subject, and I do not believe that any separate rights exist between "Ngatihinga and Ngatituaho on the one side, and Ngatitura and Ngatiuenuku on the "other, the various Hapus through former intermarriages are so mixed up one with "another that it would be impossible to give either an affirmative or a negative to a "question which you can neither believe nor disbelieve. *The question is perfectly* "*unintelligible and irrelevant.*"*

79. From the foregoing extracts it will be seen that although Archdeacon Hadfield says in his letter of 29th May, "I have hitherto felt my ground secure, dealing with facts "within my knowledge," he really knew but little of the matter. Certain it is that he failed in the attempt to convince the House that Kingi was right, for immediately afterwards the following resolution was passed, approving the policy I had pursued:—

"That in the opinion of this House the interference of W. Kingi at Waitara, and his "resort to force to prevent the survey of land there, rendered the measures adopted "by his Excellency the Governor indispensable for the due maintenance of Her "Majesty's Sovereignty, and that the welfare of both races of Her Majesty's subjects "peremptorily requires a vigorous prosecution of the war to a successful termination."†

The Legislative Council adopted the same view, and addressed me in the following terms:—

"We, the Legislative Council of New Zealand, beg to assure your Excellency of our "earnest desire to afford to your Excellency our most cordial support in carrying on the "war now unhappily existing in a portion of this Colony. Deploring, as we do, the "existence of this evil, a feeling which we are persuaded is entertained by your "Excellency with equal strength, we are convinced that your Excellency has been "forced into this course by a series of circumstances beyond your Excellency's control."‡

And the Conference of the Chiefs at Kohimarama, who best knew what the rights of the Ngatiawa people are, passed the resolution condemning W. Kingi and justifying me, which resolution was signed by the chiefs, with only three dissentients:—

* Hadfield, App. E. 15. † Resolutions of the House of Representatives, Sess. Papers, Gen. Assem. 1860.
‡ Address, Legislative Council, Sessional Papers, General Assembly, 1860.

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"That this Conference having heard explained the circumtances which led to the war "at Taranaki, is of opinion that the Governor was justified in the course taken by him, "that W. Kingi provoked the quarrel, and that the proceedings of the latter are wholly "indefensible."*

VI. The relation between Wm. Kingi's Insurrection and the Native King Movement and Land League.

80. I have on so many occasions, in Despatches addressed to your Grace's department during the last four years, described the various phases of the agitation, which resulted in the setting up of a Native King, and the establishment of a league among a number of tribes to forbid the further cession of native lands to Her Majesty, that I shall confine myself to indicating here the close relation which has subsisted, from the first, between that movement and the insurrection of W. Kingi.

81. I beg, in the first place, to refer your Grace to the following account given by the Rev. Mr. Buddle, Superintendent of the Wesleyan Mission, in a pamphlet especially devoted to the origin and progress of the King movement, of the deputation which came up to Wiakato from the Ngatiawa and Ngatiruanui tribes to hand over their lands to the King:†—

"During 1859 two or three deputations visited the south and left the Maori King's "flags at Taranaki and with the Ngatiruanui. It is said that W. Kingi, Te Rangetuke, "refused to receive the flag, or to join the movement; but in the autumn of the present "year a deputation from the Ngatiawa and Ngatiruanui tribes visited Waikato, entrusted "with the important duty of presenting the allegiance of those tribes to the Maori King, "and of handing over their lands to the League, of which he is the recognized head. "The deputation consisted of about 60 picked men, chiefly young men; they arrived at "Ngruawhia on the 10th April, accompanied by Ngatimaniapoto from Kawhia, "Raugiawhia, and Upper Waipa. They marched up to the flagstaff, three abreast, "wearing favours to distinguish the respective tribes. On reaching the flagstaff one "stepped forward, and with a clear distinct voice said: 'Honour all men, love the "'brotherhood; Fear God, honour the King!' Then turning to the train, he said, "'Honour the King!' All responded by uncovering and kneeling. The leader of the "Ngatiruanui then read from a memorandum-book an address, beginning, 'Oh, King! "'live for ever! thou art bone of our bone and flesh of our flesh; thou art a saviour for "'us, our wives, our children, &c. &c.,' and went on to pledge their allegiance. The "leader of the Ngatiawa then read a similar address. 'Honour the King!' was again "demanded, and a low *salaam*, and a general cry of 'Hear, hear, hear,' was the "response."‡

It was while this deputation was in the Waikato that news arrived of the breaking out of hostilities at the Waitara. This fact will explain much that would otherwise be unintelligible in the speeches of the chiefs at Ngaruawhia, from which I shall presently give extracts. The chiefs of the Ngatimaniapoto tribe were no doubt encouraged to make their revolutionary proposals, and to use the strong language contained in their speeches, by the speeches of two Waikato chiefs, Te Wetui and Karamoa, who spoke the preceding day, when the Ngatiruanui and Ngatiawa presented their allegiance to Potatau.§

82. Before quoting from the native speeches I beg to refer to the following further particulars as to the purposes of the Land League:—

"These opponents (to land sales) pushed their views and sought to make it *Te Tikanga o te Iwi* (the law of the tribe), that no individual or family should alienate land without the consent of the whole tribe. To make the law popular and binding, they determined on a more general meeting, and to invite all the tribes along the coast to join them in this measure. This was the origin of the notorious Taranaki Land League, which evidently contains the elements of the present King movement, which has proved so fruitful a source of dissension among the tribes of that district, caused so much bloodshed, and brought about the present collision between W. Kingi and his Excellency the Governor. . . . The land thus given over to the King, is not to be alienated without his consent. This might be all fair if the party stopped here, but they resolve that no land shall be sold within their territory, *even though the owner may not have joined*

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* Resolution, Conference of Chiefs.
† Buddle, App. E. 5.
‡ Buddle, Pamphlet, King Movement, 1860.
§ Ibid.

the League. Any man therefore attempting to sell a block of land would subject himself to summary proceedings at war. And any attempt to take possession of the purchased block by the Government would be resisted by force of arms, *as in the case of the land at Waitara.*"*

83. The Rev. Mr. Morgan, Church of England Missionary, who has resided many years in the Waikato district, writing to the Select Committee of the House of Representatives on Waikato affairs, says: "In other words, the vital question with the Maori "Kingites now is, whether the king or the queen shall possess the 'mana' of New Zealand. "Hence the frequent expressions of the Waikatos now in arms, 'We are going to fight "'for New Zealand; we sent the king's flags to Taranaki, and it is our duty to follow "'the king's flag; we are fighting for the *mana* of our Island.' *The Maori King "movement is the strength of the Taranaki war.*"†

"This entirely depends on the issue of the present war, which, on the part of the "Waikato, is a struggle for the 'mana' of the Maori king, and not for the small piece "of land sold by Te Teira at Waitara. They only considered that small block of land "as it refers to the mana of the King over all lands on which his flag has been "planted.‡"

The Rev. J. A. Wilson, Church Missionary, writing to the same Committee, expresses his entire agreement with Mr. Morgan's opinions.§

84. At the Ngaruawhia meeting, where nearly 4,000 were assembled, the following conversation took place between the chiefs Tamati Ngapora and Patene (of Ngatimaniapoto), who represented W. Kingi.

Tamati Ngapora. "I wish my proposals to be disposed of. Rangituke (W. Kingi), "give me that piece of land that has caused the war. Give me that piece that has been "purchased and paid for by the Governor?"

Patene. "I shall not give it up."

Tamati. "Give it to me?"

Patene. "I am under some mistake (he then planted a stick in the ground to represent Potatau and Waitara, and said); this is Potatau, my mana stands there. After my "mana rested on the land, the scrofulous man arose, who offered it for sale, and the "Governor accepted the offer."

Tamati. "That is Potatau, is it? And this land has been handed over to Potatau, "has it? Then it is mine: I represent Potatau here, and I give this land to the "Governor.

(Tamati was instructed by Potatau to adopt this plan).

Patene. "For what reason do you give that land to the Governor?"

Tamati. "That peace may be restored and our troubles cease."‖

Pavra, a chief of Ngatimatou, said at the same meeting: "You say that you have not "seen wrong on the part of Rangitake (W. Kingi); I have seen his wrong doing; "letters have reached you that convict him of wrong; yet you say you have not seen it! "I repeat I have seen it, and I believe there is not a chief in Waikato that is not convinced that Rangitake is wrong. . . . You speak of mana, what is the mana? "Where is the mana? There is no such thing as putting mana on the land."¶

Heta (Ngatihana), the young man who made the flags that were sent to Taranaki, said: "Press your words, Ruihana; send a deputation to Taranaki; let us know when that "land was paid for; before our mana reached it or after. If our mana was first, we do "not let it go, but support Rangitake in his right. This shall decide his claim; the "money second; the mana first, we hold it fast."**

Kopara of Ngatihana said: "All subjects are disposed but one; the question is, was the "flag first or the money first? If the land was paid for before the flag reached it, the "Governor is right; if not, then the matter cannot rest where it is. If the mana and "flag went before, we must contend for our land."††

Te Wetini Taiporutu of Ngatihana (the chief that was killed at Mahoetahi) said: "I "wish to reply to one question; if the Governor's money was laid down for the land at "Waitara before it came under our law, then he is right; but if it was paid for after the "land was handed to us, I do not say what we shall do. That we keep in our pockets, "I open not my mouth on that subject; but I can see the depth and height, the length "and breadth of that. I lean on our flag; if the land was purchased after it became "ours, then I shall show my love to Rangitake."‡‡

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* Buddle, App. E. 5. † Morgan, App. E. 4. ‡ Ibid.
§ Wilson, App. E. 9. ‖ Tamati and Patene, App. D. 1. ¶ Pavra, App. D. 1.
** Heta, App. D. 1. †† Kopara, App. D. 1. ‡‡ Wetini, App. D. 1.

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85. At the conference at Kohimarama, Tamati Waka Nene said: "For this reason, I "repeat, it is enough; cease to clamour for a king. Although some may inquire "whence sprung the disturbances at Taranaki. I will declare that the evil sprung from "that King (movement). Now that my Waikato friend is dead, cease to call for a King. "I know full well that the evils have sprung from that King, therefore I say again put an "end to it."*

Tamihana to Rauparaha said: "William Kingi tries to maintain his land, holding "influence (*mana pupuri-whenna*) the mana of New Zealand; but perhaps one reason "is jealousy of the pakeha."†

Hetaraka Nero said: "The Maori people set up a Maori king; the object of this was "to hold the land. *When Te Rangitake heard that his own idea was being carried out, "his heart rejoiced.* I am speaking ill of Waikato and W. Kingi; I say that evil will "increase. In these times my ears have heard indistinctly that those tribes have been "acting treacherously, and the opinion respecting them cannot be concealed. This island "is filled with the evils of the Maoris."‡

And lastly, Wm. Kingi himself said to the Waikato chiefs and Wi Tako, who visited him to inquire about the purchase: "The pakeha wants our lands, but this war is about "your Maori king. Don't listen to the pakeha, but bring your flag to Waitara. Go "back and clear them out; send them all back to England." §

86. The Rev. J. A. Wilson furnishes further evidence on the same subject from three chiefs who spoke with him during a visit of two months to Waikato.

Wm. Nera Te Awaitaia (one of the highest chiefs of New Zealand) said: "You must "understand this, the war is not a struggle of the Maori with the pakeha, it is not a war "with the missionary, it is not a war with the magistrate, it is a war of the king with "the Queen." ‖

Te Waru, another high Waikato chief, said: "Friend, all this fighting and plundering "would not have occurred had we not made a king. This is the root of the strife; "it is Waikato who fight the cause of Taranaki. The men of the soil keep at a distance; "they are but slaves, we fight their battles; we are the strength of this war." ¶

Te Wetini Taiparutu said: "The war was not merely a contention for the land at "New Plymouth, but for the chieftainship of New Zealand. Wherever the king's flag "went, they (the war party) would follow. *If the Governor sent troops to any part of "this island they would meet them.*" **

And lastly, Karaka Tomo to Whakapo from Rangiawhia said: "You are right, those "are our mottoes; let there be no evil of any kind, no war among the pakeha, and no "war among the Maoris, but let us build our pah; let us complete it; let it be quite "finished. I do not consider it completed yet; leave the other things, the war at "Taranaki, for the evil spirit to carry on. Twice he has turned upon us, and twice we "have forgiven. Let us abide by our three mottoes, and wait to see if he will be strong "and persevere. Our pah stands broken. Listen! William, Takerei, Wetini, listen! "I consider that our pah for our wives and children is not yet complete. Let us finish "it, dig the trenches, throw up the breastwork, and bind the fences. Look at his (the "Pakeha's) work in other lands. Never too late, never behind time (alluding to the "prompt movements and careful preparations of the Europeans); therefore I say, quickly "build our pah."

Tapihana replied: "What pah is that you are building? We have built our pah, and "it is broken down and stained with blood. The wealth we had collected into our bag "is scattered; it is thrown out into the fern; who shall gather it up again?" (alluding to "the men who had fallen at Taranaki).††

87. Your Grace will determine, with the preceding evidence before you, whether I was right on the 22nd March 1860, four days after the first shot was fired in this war, in saying: "It is now clear to me that Wm. Kingi has been encouraged in his opposition by "an assurance of formidable support, and that the question of the purchase of an insig-"nificant piece of land is merged in the far greater one of nationality." ‡‡

VII. LASTLY. THE PRESENT ASPECT OF THE SUBJECT.

88. The evidence which I have submitted to your Grace will, I feel confident, be deemed sufficient by Her Majesty's Government upon the following points:—

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* Tamati Waka, App. D. 2.
† Rauparaha, App. D. 2.
‡ Hetaraka, App. D. 2.
§ W. Kingi, App. D. 1.
‖ W. Nera, App. E. 9.
¶ Te Waru, App. E. 9.
** Wetini, App. E. 9.
†† Karaka, App. D. 1.
‡‡ Despatch, 22 March 1860.

1st. That there is reason to doubt whether any "seignorial right," distinct from the right of property in a chief of a tribe to assent to or forbid the sale of land by the separate hapus or subdivisions of the tribe had any existence at all among the Natives of these islands prior to the Treaty of Waitangi.

2nd. That while the proprietary rights of chiefs, families, and people were guaranteed by the Treaty, no right in the chiefs distinct from a right of property was thought of in the original interpretation of the Treaty.

3rd. That no such right has been admitted to exist in any chief of the Ngatiawa tribe at Taranaki throughout successive acts and decisions of every Governor of New Zealand.

4th. That Governor Hobson in 1842 recognized the Waikato title by conquest, and (through the then Chief Protector of Aborigines) took a cession of their rights.

5th. That Governor FitzRoy in 1844 admitted separate rights of ownership in the families of the Ngatiawa tribe, and expressly promised to purchase such rights whenever they should be offered for sale on reasonable terms.

6th. That Governor Sir George Grey in 1847 refused to admit any "seignorial" or even tribal title in the Ngatiawa, and determined to resume the land at Taranaki for the Crown, after ample reserves should have been made for the resident and absentee native claimants, and after a reasonable price per acre for the residue should have been offered to them.

7th. That the right of the respective hapus and subdivisions of the Ngatiawa to cede their proprietary rights to Her Majesty has been repeatedly and expressly recognized in the acquisition of various blocks of land at Taranaki during a period of more than 16 years, and has been the basis of every cession of territory there to Her Majesty since 1844.

8th. That the acceptance by me of the land offered for sale by two hapus or sections of the Ngatiawa, representing the Ngatituaho and Ngatihingu, as well as a portion of the Puketapu branches of that tribe, whose act was confirmed and ratified by a large number of absentee owners at other places, was in accordance with the precedents upon which the acquisition of land from the Ngatiawa at Taranaki had invariably proceeded.

9th. That the proprietary rights of any owner who may not have assented to this sale have been expressly saved, and any one who has a valid claim of ownership may retain his land or cede it to Her Majesty, as he pleases.

10th. That the insurrection of W. King is not a legitimate resistance to an attempt forcibly to eject him from an acre of land to which he has a just right, but is the result of a league which exists among certain tribes forcibly to prohibit any further alienation of territory to the Crown, even by the rightful owners thereof, who may be willing to sell.

89. I have thus answered that part of Mr. Fortescue's questions which inquires how far the existence of the "seignorial right" now claimed for the chiefs has been recognized by the British Government or justifies the proceedings of W. Kingi.

90. With respect to the other part of the inquiry, whether there are reasons apart from the Treaty of Waitangi in favour generally of the recognition of such a right, and whether it ought therefore to be admitted in future transactions, I beg to make the following brief remarks.

91. In a pamphlet which I received last night, written by Sir W. Martin, late Chief Justice of this Colony, he says: "This tribal right is clearly a right of property, and "it is expressly recognized and protected by the Treaty. That Treaty neither enlarged "nor restricted the then existing rights of property; it simply left them as they were." It is precisely this principle which has been recognized in every cession of territory since the Treaty. But it must be remembered that the ancient customs of the Natives with respect to land had been materially affected by engrafting upon them the new practice of alienation since the first irregular settlement of the country. We found that the Natives had no fixed rules applicable to all the tribes and to every locality, and we adopted as our guide in each district the customs which in that district were in force among the people themselves, where the right of alienation had followed the old right of property, whether in the tribe or in the family.

92. To attempt now to introduce a new kind of right distinct from that of property would require definitions involving in practice a really insuperable difficulty. Assuming any right distinct from the right of property in the soil, to be admitted in a chief (to assent to or forbid the sale of land where the real owners are willing to sell), it would still have to be determined in whom that right should vest. The Government would first have to decide what was the "tribe," and who was the chief of the tribe. Failing this, they would have to decide what were the respective subdivisions of the tribe, and

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who were the chiefs of those subdivisions. I have no hesitation in saying that the relations between the chiefs of the several tribes of New Zealand are not such as would justify the British Government in arbitrarily coming to such decisions, and that at present it would be a simple impossibility to do so with any hope of obtainlng the assent of the native people. But apart from this inherent difficulty, I am of opinion that for the British Government now for the first time to announce that a right would be admitted in any chief whatever, distinct from his right of property in the soil, to prohibit the cession of territory to Her Majesty by the real owners of the land would be as unjust as it would be impolitic. It would sanction the objects of the Land League, which declares that no land shall be allowed to be sold, even though the real owners should not have joined the League; it would strengthen the confederacy, which (based upon the League) aims at the subversion of the Queen's authority and the establishment of an independent nationality; it would effectually discourage those loyal subjects of Her Majesty of the native race, who rest upon the guarantee of their proprietary rights in the Treaty of Waitangi; and it would render all but impossible any success in the efforts which have been made during so many years to induce the Natives to convert their tribal tenure into individual property secured by a grant from the Crown.

93. I can only therefore in conclusion express my conviction that the proper course for Her Majesty's Government to pursue in the future is that which has been steadily followed in the past; namely, to deal with the chiefs or the proprietors of the soil according to the custom existing among the Natives themselves in each particular district in which a cession of territory may be in contemplation.

94. I look forward, however, to the time when the Natives will be prepared for the establishment of a tribunal in which their varying customs may acquire some settled form, and to the decisions of which they will yield a peaceful submission.

I submit herewith a Memorandum by my responsible advisers on the same subject.

I have, &c.
(Signed) T. GORE BROWNE.

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure 1 in No 55.

APPENDIX A.—NATIVE TENURE.

Extracts from Opinions of various Authorities.

I.—D. MCLEAN, *Chief Commissioner for the Purchase of Native Lands.*

THE Governor was most anxious that some means should be devised by the chiefs of the Conference to define tribal boundaries, and make such a subdivision of property among tribes, families, and individuals as would secure to them their landed rights on a more certain foundation than now existed. The chiefs present were all aware that land was the main source of many of their difficulties, occasioning loss of life and affecting the property of both races. No fixed law on the subject could be said to exist except the "law of might." It was true, various customs relating to Native tenure existed, but these were not in any way permanent; and the endless complications of such customs were eventually resolved into the law of might. Paora, one of the Ngatiwhatua chiefs present, had stated that one law did not exist with the Europeans and Natives about land. This was true, inasmuch as the Native has no fixed law to regulate the rights of property. How, therefore, could it be expected that one law should prevail? The European has a law to guide him on this subject; the Native has no well-defined law. The Governor had long thought of this subject, and availed himself of the present Conference of chiefs to place his own views before them, in the hope that they would co-operate with him to devise such a measure as would simplify Native tenure, and enable them to leave the land they inherit in the quiet and undisturbed possession of their children. Scarcely a year passed without our hearing of war about land in some part of New Zealand. At Tauranga the Natives had been fighting very lately; also at Whakatane, Tunapahore, Upper Wanganui, Hawkes' Bay, Ngapuhi, Te Ihutaroa, and now at Taranaki. It was asserted by some that these wars had been occasioned by Government land purchases. This was untrue. The Government used every endeavour to prevent quarrels in conducting the purchase of land; and at those districts throughout New Zealand where no land had been purchased, such as Te Ihutaroa and other places with which the Government did not interfere, bloody feuds were carried on between the different tribes from time to time. Powerful tribes took possession of land by driving off or exterminating the original inhabitants. Those in their turn drove off other less powerful tribes. The conqueror enjoyed the property while he had the power of keeping it. None were certain how long they could occupy the land in peace. It was true that Christianity introduced a different state of things. By its influences the conquered were permitted to re-establish themselves on the lands of their ancestors. In process of time, however, the conquered encroached too far on the formerly recognized rights of the conqueror, occasioning up to the present day much bitterness of feeling between the two classes of claimants. Tribes vary in their customs about land, but, after all, their various customs are liable to be superseded by the law of might. He would not detain them longer, but wished them to consider this message well before they expressed an opinion on it.

[*Speech at the Conference of Native Chiefs, July* 1860, *in Maori Messenger.*]

You will remember being examined in writing by a Commission issued by his Excellency in 1856: one question put to you was, "Has a Native a strictly individual right to any particular portion "of land, independent of the tribal right over it?" I find among the answers in the negative "McLean." Is that you, and was that your report on the question?—I am the Mr. McLean, and that is the reply which I made.

What do you mean by tribal right?—I suppose it means the right of a tribe.

Will you describe the meaning of tribal right in regard to the transfer of land?—It varies so much in different parts of the country, I should wish to know what particular part of the country you refer to—as the custom which prevails in one place does not in another.

What is the general rule?—There are very wide exceptions.

Is the rule or exception wider?—The exception is the wider.

When a *hapu* alienates, who represents it, and is the consent of all its members necessary?—In some tribes the different *hapus* must be consulted, in others the chiefs; much depends upon the personal character of the latter. I did not say that *hapus* or subdivisions of tribes had not a right of transfer of property. The various *hapus* or families which compose a tribe most frequently have the right of disposal, but not always; the custom varies.

How do you discover what the rights of the parties are?—You must discover them by inquiry of the people in the district where the land is situated, and elsewhere.

If Patukakariki is the head of the Ngatihinga, could an individual sell without his consent?—A certain number of claimants could sell, but not invariably without his consent.

What proportion, a bare majority?—I cannot say. It would depend on the locality, the people, and the boundaries.

Then the sum of your evidence is this: That there are no settled rules or principles guiding alienation of land, and that in such matters the exception is wider than the rule?—The Natives have no fixed rule The custom varies in different districts.

[*Evidence at the Bar of the House of Representatives, August* 1860, *Sess. Paper E., No.* 4.]

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II.—Bishop of New Zealand.

The Native Land Title is simple enough in its origin; but, from obvious causes, extremely complicated in its actual state.

In its theory it is this: A few leading chiefs, with a small body of children and retainers, arrive at different parts of the Island, and make a rough partition of the territory among themselves by natural boundaries of mountains and rivers. These families grow into tribes, each possessing the patrimony derived from its ancestors. To preserve this inheritance unimpaired was a primary object of their care. To this end two restrictions were necessary.

1. Upon the right of alienation; and 2, upon the liberty of marriage. The case of the daughters of Zelopehad is strictly analogous to Maori usage.

"If they be married to any of the sons of the other tribes of the children of Israel, then shall their inheritance be taken from the inheritance of our fathers, and shall be put to the inheritance of the tribe whereunto they are received. Let them marry whom they think best, only to the tribe of the family of their father shall they marry."

Other reasons may be assigned for these restrictions, such as—

The right of the tribe to require service from all its members.
The necessity of keeping up their own numbers.
And of preventing strangers from acquiring landed property, to be used to the injury of the tribe.

There is reason to think that an independent right to alienate land, without the consent of the tribe, is unknown in New Zealand.

On the other hand, in the ample territory which each tribe at first possessed, there was probably much freedom of choice in the particular spot which each member might wish to cultivate. This spot became his own by right of occupation, and in the absence of all forms of conveyance descended to all his children and grand-children, sons-in-law, and daughters-in-law, till the right which was at first personal, became complicated by a multitude of claims. In the neighbourhood of fortified places these plots of ground, from the necessity of the case, were as minute as cottage gardens near a populous town; and it may be taken for granted as a general rule, that in such cases every acre of land will contain ten or twenty plots, and for every plot there will be ten or twenty claimants, as I have repeatedly found. In such cases also, for the sake of mutual protection, the right of the tribe to control the alienation of land to foreigners would be most rigidly enforced.

Three points then seem to be clear on this subject:—

1. That there was originally a distinct owner for every habitable spot in the Northern Island.
2. That these claims have become complicated by the obvious causes of inheritance and marriage, without forms of conveyance or bequest.
3. That these rights of ownership, whether in one or many joint proprietors, were not alienable without the consent of the tribe.

[*Memorandum to the Governor, May* 1860, *in Sess. Papers, E, No.* 1.]

III.—Sir William Martin, *late Chief Justice of New Zealand.*

So far as yet appears, the whole surface of these Islands, or as much of it as is of any value to man, has been appropriated by the Natives, and (with the exception of the part which they have sold) is held by them as property. Nowhere was any piece of land discovered or heard of [by the Commissioners] which was not owned by some person or set of persons. There might be several conflicting claimants of the same land; but however the Natives might be divided amongst themselves as to the validity of any one of the several claims, still no man doubted that there was in every case a right of property subsisting in *some one* of the claimants. In this Northern Island at least, it may now be regarded as absolutely certain, that (with the exception of lands already purchased from the Natives) there is not an acre of land available for purposes of colonization but has an owner amongst the Natives according to their own customs.

For the most part the boundaries of property are well defined. In the immediate neighbourhood of such pas as are at present inhabited land is often minutely subdivided, each separate piece belonging to some one person, who cultivates either alone or jointly with some member of his family. The same is the case in the neighbourhood of old pas, even though they may have been abandoned for many years. The titles of the former cultivations are remembered and maintained by their descendants.

Where the acts of appropriation, in some past generation, were of a less public nature, or took place a long time ago, the titles of the present claimants are of course much more difficult of proof. Out of cases of this kind the greater part of the existing disputes have arisen. Each of the claimants endeavours to prove some act of ownership exercised without opposition by one of his ancestors. Acts commonly alleged are—cultivating, building a house or catching rats on the land, setting an eel-weir, cutting down a *totara* tree in the forest for a canoe, &c.

These claims in the ordinary course of things become sufficiently complicated, but are rendered much more so by the introduction of another set of claims which arise out of rights of conquest, enforced in very different degrees in different cases. Boundaries between different pieces of property have been often indicated by the Natives incidentally, without any question put or any previous reference to the subject, in spots now remote from any habitation of man; for example, on the edge of the forest between the Whanganui river and Tongariro; on the highest peak of the Aroha; at a stream in the heart of the wood between Tauranga and Rotorua.

But between territories of different tribes there are often found tracts of land which are called *kainga tautohe*, or (literally) debateable lands.

The lands of a tribe do not form one unbroken district, over which all members of the tribe may wander. On the contrary, they are divided into a number of districts appertaining to the several sub-tribes. Each sub-tribe consists of the descendants of a common ancestor (whose name it generally bears), who was, in former times, the conqueror or in any other way the recognized owner of the district. These smaller districts are, in many cases, numerous, and for the most part are sufficiently well defined.

Within each of them the families or members of the sub-tribe are free to range, both to take the natural products of the soil and to cultivate for themselves such portion of it as they may choose. There is no paramount or controlling power, either in the tribe or in the sub-tribe, to restrain or to direct the exercise of this right of appropriation. Each family or freeman may use and appropriate, without leave of any. It is indeed a rude form of property, a natural stage in the progress towards the more complete appropriation of the earth's surface in the way familiar to ourselves. But still, every right which exists, whether in one person or in more, is truly a right of property, and there does not, in this state of things, exist anything which can be correctly likened to a right of sovereignty as understood amongst us.

Mr. Spain says, in describing the Port Nicholson district: "There are seven divisions or families of "a tribe, each claiming separate lands of their own, and certain rights and privileges, which are some-"times wholly denied, and at others only partially admitted by the rest." Again, speaking of the same district: "In a place so thickly populated as I have before described this to be, the boundaries of the "part of the district belonging to each tribe or family are generally pretty well ascertained and ad-"mitted between them. As a proof of this, I may mention that in the case of native reserves great "difficulty has been found in getting Natives belonging to one family to go on a reserve made within "the boundary of the land belonging to another family, although it has been fully explained to them "that the reserves are made for the benefit of the Natives generally, and not for any particular tribe or "family. They cannot understand this; and in several instances that have fallen under my notice, "they have positively refused to cultivate a native reserve so situated, although at the time in actual "want of a spot to grow their potatoes upon."

. . . The New Zealanders have been in the constant habit of resisting even to blood any encroachment upon their territorial rights. They are not less disposed to resist now. For their determination on this point there are two reasons:—

1. That these rights (whatever names our lawyers may give them) are of great value to the Natives, as has been shown. They, like other men, are naturally disposed to retain, by force, if necessary, that which they know to be a benefit to themselves.

2. That every tribe sees, in any successful encroachment upon its territory, a peril to its own independence, and even to its existence as a distinct tribe. An extreme jealousy on this point appears to be the natural result of their condition, and may with truth be described as the "passion" of this people. This has been a main cause of desolating wars. There is a common proverb, *he wahine, he oneone, i ngaro ai te tangata* (women and land are the destroyers of man). The pride of each tribe centres in its power to maintain its own possessions against aggression. This spirit in the native people is closely akin to one which, if we were speaking of ourselves, we should describe as patriotism.

. . . In New Zealand the claims to land are numerous; the claimants often live far apart from each other; and the people are especially slow and deliberative in settling the terms of a bargain. To make a good bargain there are needed length of time, publicity, and knowledge of the native language. When these requisites are found, purchases of land in New Zealand may be, and in a large number of cases have been, made as safely at least as in England.

[*Pamphlet of* 1846.]

IV.—Archdeacon Maunsell.

The land does not, generally speaking, belong to one individual, but chiefly to the tribe. Often there will be only one main proprietor or *take* [root], as they denominate him; but if he be not a chief of rank, the head man will take upon him to dispose of the spot. Often, and more frequently, there will be many *take*, and one of them will sell without consulting the others. There are other difficult points connected with this question—*e.g.*, a tribe will give a spot of land to another, either as a marriage portion, or to induce them to reside, &c. The former are still *take*, but the latter may, if they like, sell, only they generally hand over the payment to the former, reserving to themselves the honour attendant on the transfer. The latter, again, if they be powerful, will sell without consulting the former; all being regulated by the relative power of the two parties. At the same time, I consider, that to a valid document both parties' names should be attached. Neither is it a difficult matter to satisfy the others when the main *take* (if he be a man of rank) has given his consent. — [*Letter from Rev. R. Maunsell, quoted in Evidence before the House of Commons*, 1840, *Parl. Papers*, *August* 3, 1840.]

V.—*Board of Inquiry*:—Major Nugent, late Native Secretary; Mr. Ligar, late Surveyor-General; Mr. Daldy; and Mr. T. H. Smith, Assistant Native Secretary.

It appears that the title or claim to land by tribes arose from occupation, dating sometimes from remote periods, and from more recent conquests, followed by occupation either by themselves personally or by remnants of the conquered people.

That this title existed no longer than it could be defended from other tribes.

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That the boundaries were in some cases clearly defined and admitted by adjoining tribes, but that in many others they were quite the reverse, and were causes of constant quarrels.

That narrow belts of land, as being claimed by two tribes, could not have been occupied by either without causing an appeal to arms. That there is no part of the country which is not claimed by some party or another.

That as land is inherited in the female line, the constant intermarriages between the tribes led to the descendants by such marriages having claims to land in more tribes than one.

That it frequently happened that one tribe gave land within their own limits to the members of another tribe for assistance rendered in times of danger, which gifts were held most sacred.

That claims to land were made by one tribe and admitted by another as compensation for the murder of a chief thereon, or other injury.

That an accidental death of a chief on the land of another tribe gave his family a claim to it.

It will therefore be seen that no tribe has, in all instances, a well-defined boundary to its land as against adjoining tribes, and that the members of several other tribes are likely to have claims within its limits.

Each Native has a right, in common with the whole tribe, over the disposal of the land of the tribe, and has an individual right to such portions as he or his parents may have regularly used for cultivations, for dwellings, for gathering edible berries, for snaring birds and rats, or as pig runs.

This individual claim does not amount to a right of disposal to Europeans as a general rule, but instances have occurred in the Ngatiwhatua tribe in the vicinity of Auckland, where Natives have sold land to Europeans under the waiver of Crown's right of pre-emption, and since that time to the Government itself. In all of which cases no after-claims have been raised by other members of the tribe; but, this being a matter of arrangement and mutual concession of the members of the tribe, called forth by the peculiar circumstances of the case, does not apply to other tribes not yet brought under its influence.

Generally there is no such thing as an individual claim, clear and independent of the tribal right.

The chiefs exercise an influence in the disposal of the land, but have only an individual claim like the rest of the people to particular portions.

Since the introduction of Christianity the Natives have gradually emancipated their slaves taken in war, and by their return to their former possessions they have become a new class of claimants.

When the Natives first came into contact with Europeans, in the relative position of sellers and buyers of land, the evidence of which before the Board extends as far back as the year 1822, it has been shown that the Natives in disposing of their land intended only to convey a title similar to that which they, as individuals, hold themselves—the right of occupancy. They did not imagine that anything else could be wanted. Their desire for Europeans to settle among them was very great, and in selling a piece of land to one of these early adventurers, they not only were prepared to hold his title, such as it was, inviolate, but considered his personal safety a matter of the deepest interest. He in fact was considered as one of the tribe among whom he had cast his lot.

They soon, however, ascertained, when a knowledge of their language had been sufficiently acquired by the Europeans, that this sort of tenure was unsatisfactory, and in all subsequent transactions of the kind gave written titles in perpetuity, with the right of transfer.—[*Report to Governor Gore Browne, in Sess. Papers*, 1856.]

VI.—Rev. J. Hamlin, Church of England Missionary.

It would be difficult at this distant period to state precisely what gave the first Maori emigrants to this country a title to land on their landing on its shores. The following, however, appear the most reasonable, and are in accordance with what the Natives themselves affirm to be the fact.

(Here instances follow of occupation, &c.)

Occupation gave a title to land in those early times, but occupation alone, without some other claim, subsequently did not. Mere occupation does not give a valid title. In cases of occupation without claim, the occupant generally made some acknowledgment to the owner, in food or some other way, answering to our leases and rentals; but he had no right to sell.

Conquest alienates the land, but it has its quibbles. Conquest and occupation give a valid title to land. Conquest without occupation is doubtful. If the conquered party return, occupy, and hold the land from which they were driven, the land is theirs. Hence the Tamaki land still remained in possession of the Thames Natives, though driven from it by Hongi; but they did not consider their occupation of it safe, and therefore sold it. If the conquered people return to their land by permission of the conqueror, the land does not become theirs unless a transfer of the land is made to them by the conquerors. But all these acknowledged native rights were by might often set aside, and arbitrary power ruled.

"*Mana.*" The term mana in reference to land I have occasionally heard, and have asked the question, "*He aha te mana o te whenua?*" and have received this answer—"*Aua hoki, ma te pakeha.*" The answer implies that the term as applied to land had its origin in a mistaken conception of the meaning of native words by Europeans. The term as applied to land is scarcely heard of in some districts. In the few instances in which I have heard it used, its meaning is synonymous with *tikanga*, which expresses ownership, or delegated authority by the owner to sell, to manage the business, or to be the spokesman, as we employ an auctioneer or solicitor.

In the Bay of Islands, where land purchases were first made, the Native of every degree of rank sold his land without reference to any other authority. It sometimes happens that the Natives will advise that the signature of a person of rank be added to a deed, who has little or no claim to the land purchased; but this, I think, is done with a view to conciliate the person, knowing that such persons

can, and often do create disturbances if their names are left out, as they would consider they had been slighted. As a closing remark, I may say that I have not been able to discover that any such thing as "Manorial Right," distinct from ownership in a greater or less degree, has been lodged in the Chief of a District, in the Chief of a Tribe, or in the Chief of a Hapu, or in any other person of the aborigines. And if there is such a thing as *mana o te whenua*, it is a certain invisible, indescribable something to which the Pakeha may attach a meaning wholly at variance with that which a Native may affix to it. Manorial rights, as Englishmen understand them, are foreign to the Natives, and if they have any such ideas they must have acquired them from Europeans.

It may be observed that scarcely any of the land of the aborigines of this country can be said to be the exclusive property of one individual; though the descent through which the party can trace their claim to the land they hold is by a single person. This person can sell if he likes without the consent of his party; the party selling without his consent would be a *hoko tahae*. This absence of the individualization of property seems rather attributable to the state of the country than to any defect in the line of descent. Circumstanced as the Natives have been, they say one individual cannot hold his land against the attacks of enemies; therefore, for security, peace, and safety, it was necessary to give all the branches of a family a participation in the possession, though the individualization of the descent is clearly recognized.

Tribal rights, or any uniform course of action, or general plan for their guidance in the management of their lands, or other affairs, I have not found to exist amongst the Natives of this country; nor do I believe they have any such plan or general rule. Each party or tribe seems to have been guided by existing circumstances in the management of their affairs.

[*Paper on Native Tenure, not before published.*]

VII.—Mr. SPAIN, formerly H.M. Commissioner for determining Titles to Land in New Zealand.

Although a tribe might have marched through a country, conquering all the Natives and occupying the ground over which they passed, yet if they failed to retain the lands so conquered in their possession, and allowed the former owners still to occupy it, or to return immediately afterwards, and cultivate it without interruption for a period of years, in that case the consent of the conquerors to a sale to the Europeans, without that of such resident Natives, could not be admitted by me as a valid purchase. And I know of no rule laid down as binding upon or generally adopted by the nations of Europe, in colonizing a new country peopled by aboriginal inhabitants, which would justify the taking of land from the actual occupiers and cultivators of the soil without their consent. On the contrary, I had the honour to quote, in my last despatch, the very opposite doctrine, as laid down by De Vattel. * *

I have set it down as a principle in sales of land in this country by the aborigines, that the rights of the actual occupants must be acknowledged and extinguished before any title can be fairly maintained upon the strength of mere satisfaction of the claims of self-styled conquerors, who do not reside on nor cultivate the soil. In short, that possession confers upon the Natives of one tribe the only and real title to land as against any of their own countrymen; and that the residents, whether they be the original unsubdued proprietors, the conquerors who have retained their possession acquired in war, or captives who have been permitted so reoccupy their land on sufferance; in all cases the residents, and they alone, have the power of alienating any land. * *

It appears to me that those Ngatiawa who, having left [Taranaki] after the fight, sought for and obtained another location, where they lived and cultivated the soil, and from fear of their enemies did not return, cannot now show any equitable claim, according to Native customs or otherwise, to the land they thus abandoned. Had they returned before the sale, and with the consent of the resident Natives again cultivated the soil without interruption, I should have held that they were necessary parties to the sale.

During my residence in this country, in the execution of my commission, for a period of between three and four years, I have taken every opportunity of ascertaining by every means in my power all Native customs respecting the tenure of land; and, in my decisions, I have endeavoured in every instance to respect them, where certain; and, where doubtful, or not clearly ascertained, I have allowed justice, equity, a common-sense view, and the good conscience of each case, to supply their place.

Bearing all these points in mind, I am of opinion that the adoption of a contrary doctrine to that which I have just laid down would lead to very serious consequences, not only as regards titles to land between the aborigines themselves, but also as between them and the Europeans. * *

The question, then, which your Excellency has raised turns upon whether slaves taken in war, and Natives driven away, and prevented by fear of their conquerors from returning, forfeit their claims to land owned by them previously to such conquest.

And I most unhesitatingly affirm that all the information that I have been able to collect as to Native customs, throughout the length and breadth of this land, has led me to believe and declare the forfeiture of such right by aborigines so situated. In fact, I have always understood that this was a Native custom fully established and recognized; and I never recollect to have heard it questioned until your Excellency was pleased in the present instance to put forward a contrary doctrine.

Since that time I have made every further inquiry in my power amongst competent and disinterested persons, whose testimony has fully confirmed my original opinion.

I am fully of opinion that the admission of the right of slaves who had been absent for a long period of years, to return at any time and claim their right to land that had belonged to them previously to their being taken prisoners of war, and which before their return, and when they were in slavery, had been sold by the conquerors and resident Natives to third parties, would establish a most

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dangerous doctrine, calculated to throw doubts upon almost every European title to land in this country, not even excepting some of the purchases made by the Crown; would constantly expose every title to be questioned by any returned slave who might assert a former right to the land, let the period be ever so remote; and would prove a source of endless litigation and disagreement between the two races, a result which must soon stop the progress of civilization amongst the Natives, so essential to their amelioration.

[*Reports to Governor Fitzroy, in Parl. Pap., April* 8, 1846.]

VIII.—Mr. GEORGE CLARKE, formerly Chief Protector of Aborigines.

If, as is the general impression of all who have given their attention to this subject, the natives emigrated at different periods, we have at once a clue so the origin of titles.

Each migration landed, subdued, and laid claim to a certain district now claimed by their posterity. Each party would most probably acknowledge a leader, either nominated or assuming such character by virtue of superior prowess, who would actually be considered as the first chief of the *iwi* or tribe. His children, with a portion of the *iwi* or tribe who might attach themselves to each particular child, may be considered as giving rise to the different *hapu*, or lesser tribes. His children, and those who attached themselves to them, formed separate *hapus*, who, although a part of the original family, would form a separate and distinct community, uniting, however, in times of war to repel the common enemy, but claiming and exercising independent interests in the soil in times of peace. * *

Bravery in war, and consequent power and rank as a chief, will not determine the individnal to be a great land owner. A man may be a great general and a small land owner; hence numberless mistakes have arisen among Europeans, who thought themselves especially safe in purchasing land from a powerful chief. * *

The chiefs of every tribe or *hapu*, as well as the head of every family belonging to the tribe or *hapu*, have distinct claims and titles to land within their respective districts. At the same time it must be remembered that they have a joint interest in many of the lands.

The particular claims of the chiefs, *hapu*, or families are to lands either subdued or brought into cultivation, or upon which they have exercised some acts of ownership; as lands where they have been accustomed to procure flax, or erect weirs for eels, or where they have built a substantial house. In such cases they claim a particular property; none but the person so claiming can give a title to the land, nor can he be dispossessed thereof. He may forfeit his right by killing, adultery, or migration to a different tribe and district. * *

In this way families hold and cultivate their ground, enlarging their individual cultivations from time to time, thus establishing an indisputable title to such lands as their special and particular property.

In other respects their title is more general; the *hapu* and families claiming in common with the principal chiefs what may be termed their waste lands. But even here they must be able to substantiate some sort of title, such as having been the first discoverers, kindled ovens, built canoes, or exercised some other act of ownership which gives them the preference over such lands. The families have, in common with the chiefs, the right of keeping pigs, gathering flax, snaring pigeons, catching rats, ducks, digging fern root, &c. Every individual of the tribe having these privileges in common, but still acknowledging the right of some particular family, or individual member of a family, to dispose of such property, that is, as president, head of the family, or chief of the tribe or *hapu*, to make the first proposal of alienation; yet they could not consider the purchase valid without the consent of the majority of the principal men of the tribe.

Lands that are thus possessed in common, involving the interests of so many claimants, are exceedingly difficult to purchase, and may be reckoned as among the most fruitful sources of their quarrels and disturbances. It frequently happens that two Natives, equally interested in the same lands, disagree on the question of its disposal. Numberless animosities originate from this source. * *

To obtain a specific title to lands held in common, there must be some additional circumstances to support the pretension; first discovery of trees—shooting pigeons—constructing eel weirs—digging fern root—making a road—receiving a wound—losing a friend—recovering from sickness—all or any of these acts give an undeniable right to special property in land heretofore considered common. * *

Conquest, unless followed by possession, gives no title. Were the Ngapuhis to claim the right of selling or exercising the sovereignty over the districts of the Thames, Kaipara, or Waikato in virtue of their former conquests, their pretensions would be treated as contemptible and absurd; and so distinctly is this principle recognized that I have no doubt that any attempt to support and maintain the validity of titles derived from conquest only, would be met by a most determined resistance, even if attempted by Her Majesty's Government. I have known slaves tenaciously maintaining their territorial rights while in a state of captivity; but I never knew a master to claim by virtue of his slave, or attempt to advance any pretentions founded on the capture of a landed proprietor. I have had large offers of land for sale by natives still in captivity, and have been warmly reproved by these men for doubting the validity of their title.

Great changes have taken place in the internal regulation and division of districts, and lands have completely changed owners: but in every case possession has followed immediately on conquest. The claim to Taranaki preferred by the Waikatos is good so far as they have taken possession: but they did not wholly succeed in driving the natives out of that district, who maintained their independence by resorting to different pahs on the coast. I should therefore consider the principal right to land in the Taranaki district still vested in the original inhabitants. Again, the titles of the tribes about Port

Nicholson to land in the Taranaki district cannot be wholly extinct if they have kept up a friendly intercourse with the residents. Rauparaha, who conquered and took possession of parts of this country would, in connexion with his followers in the vicinity of Cook Strait, have large claims: but his title would no doubt be disputed by the original proprietors so soon as they were in a position to maintain their claims. A tribe never ceases to maintain their title to the lands of their fathers, nor could a purchase be considered complete and valid without the concurrence of the original proprietors. If a conqueror spares the lives of the conquered, and they thenceforth become amalgamated with his own tribe, he infallibly secures his own title by uniting the claims of the original possessors with his own.

Possession of land, even for a number of years, does not give a right to alienate such property to Europeans without the consent of the original donor of the land: but it may be continued in the possession of descendants of the grantee to the latest generation.

[*Report to Governor Fitzroy: in Parl. Pap., July* 29, 1844.]

IX.—Archdeacon Hadfield.

Are you acquainted with the nature of the Native Tenure of land?—I ought to express some diffidence in replying to that question, but I may observe (in reference to the tenure acknowledged by Natives of the southern half of this Island with which I am acquainted,) that there is little or no difficulty on the subject.

What opportunities have you had of becoming acquainted with the subject?—The opportunities I have had of becoming acquainted with the subject arose from the fact of my having resided for four years in a Maori Pah in which there were from five to six hundred men. My attention was particularly called to the subject at that time by the constant disputes about the purchases of land made by the New Zealand Company in Cook's Straits; I was frequently applied to by Mr. Commissioner Spain to assist him in elucidating Maori customs about land. I may further state that after the collision at Wairau I made it part of my business to inquire into the subject, and after careful inquiry I came, in 1845, to a conclusion on the subject, which the experience of the last fifteen years has not tended in the slightest degree to alter.

State what you think to be the rights of the tribe in respect to land belonging to it?—I think that the right of each tribe to lands extends over the whole of the tribal territory, and entirely precludes the right of any other tribes over it. Such absolute tribal right may be classed under two heads:—1st. The territory which has been in the possession of the tribe for several generations, and to which no other claim had been previously known:—2nd. The territory acquired by conquest, occupation, or possession.

State what you understand to be the rights of individual members of the tribes in respect to land?—I believe that the rights of the individual members of the tribes are limited to those portions of the lands of the tribe which they have either cultivated or occupied, or on which they have exercised some act of ownership which is acknowledged as such by the tribe. I must be understood to mean that their title to such lands was simply that of holding for their own use and benefit. Their right was a good holding title as against every other member of the tribe. They might exchange land among themselves, but no one could alienate without the consent of the tribe. In the year 1845 I drew up a paper on the tenure of Native lands, which I gave to Sir George Grey, who promised to return it. He told me he sent a copy of it to the Colonial Office. He did not return the original to me: I understand that it was burnt with other papers at Auckland.

What do you understand to be the rights of the Chief of the tribe in respect to land belonging to the tribe?—While looking over some papers a few weeks ago, I accidentally discovered my original pencil notes, which formed the rough draft of the paper on this subject to which I have just alluded; which I now produce, and with the permission of the Committee will read, as they must be conclusive as to what my opinion as to individual title was in 1845:—

"The Chief of the tribe, since he has no absolute right over the territory of the various *hapu*, nor over the lands of individual freemen of his own *hapu*, cannot sell any lands but his own, or those belonging to the tribe which are undoubtedly waste lands; nor can he do this in opposition to the opinion of the Chiefs of the *hapu* of the tribe, if they consider the territory, and thus the independence of the tribe, impaired by so doing. Allowing this very questionable right of the Chief to alienate any part of the territory of a tribe, it can scarcely be allowed to any Chief of a *hapu*, even should he act in accordance with the various individuals of the *hapu*. It must be remembered that a tribe, however subdivided into *hapu*, is one, and cannot allow its integrity and strength to be impaired by the independent act of one *hapu*, which it is bound to identify with itself in all things, and to protect, if involved in any quarrels or difficulties. These remarks are more decidedly applicable in the case of ordinary freemen—*tutua, who cannot alienate that land which is absolutely their own for all practical purposes*, but is not to be disposed of in a manner contrary to the supposed interest of the tribe. There can be no doubt on this subject."

The notes which I have now read to the Committee imply that the Chiefs have power over some portions of the land. Fifteen years ago, I set it down as a questionable right or power; I view it in the same light now. I limit such right of Chiefs to deal with lands obtained by conquest only; and do not consider that it extends to any land which has become vested in the tribe by long possession. I wish to guard myself, in reference to what I am saying on this subject, by premising that I am speaking of tenure to land as it existed prior to the establishment of the British Government in the Colony, and not since that event. The Chief of a tribe must be regarded as holding his position by a double title. His first title must arise from his undoubted descent through a long line of well known ancestors from

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the original head of the tribe. His second title depends on a more democratic principle, that is, he must be the acknowledged and the elected head of the tribe. The Chief is the representative of the territorial right of the tribe, not because he is descended from numerous ancestors of noble blood, but because he has been acknowledged as such on account of his personal qualifications and influence, and has in fact been recognized as the guardian as well as the mouth-piece of the rights of the tribe. I have no doubt whatever on this subject. I understand that whatever rights to land existed previous to the treaty of Waitangi among the Natives are still rights with them, being guaranteed by that treaty. I investigated Maori title to land irrespective of the influence which may have been exercised by the Government, and eight or ten years previous to the establishment of British sovereignty.

[*Evidence at the Bar of the House of Representatives, August* 1860 *: in Sess. Pap. E. No.* 4.]

X.—Mr. SWAINSON, late Attorney General of New Zealand.

From time immemorial land has been the principal cause of quarrel among them; and with their independent spirit and sensitive jealousy as to their territorial rights, they soon began to regard with mistrust the introduction of British rule. Their territorial claims are not confined to the land they may have brought into cultivation: they claim and exercise ownership over the whole surface of the country; and there is no part of it, however lonely, of which they do not know the owners. Forests in the wildest part of the country have their claimants. Land apparently waste is highly valued by them. Forests are preserved for birds, swamps and streams for eel weirs and fisheries. Trees, rocks, and stones are used to define the well-known boundaries. Land is held by them either by the whole tribe, or by some family of it, or sometimes by an individual member of a tribe. Over the uncultivated portions of territory held by a tribe in common, every individual member has the right of fishing and shooting. When any member of a tribe cultivates a portion of the common waste, he acquires an individual right to what he has subdued by his labour; and in case of a sale, he is recognized by the tribe as the sole proprietor. If undisposed of by sale, it generally descends from father to son. And even the power of disposing of land by will, orally expressed at the point of death, is recognized among them.

"A certain man had a male child born to him, then another male child, and then a third male child: "he also had daughters. At last, being at the point of death, his sons and daughters and all his "relations assembled to hear his last words and to see him die. And the sons said to their father, 'Let "'thy mouth speak, oh father! that we may hear your will, for you have not long to live.' Then the "old man turned towards his younger brothers, and spake thus: 'Hereafter, oh my brothers, be kind "'to my children. My cultivations are for my sons. Such or such a piece of land is for such or such "'a nephew. My eel-weirs, my potato gardens, my potatoes, my pigs, and my male and female slaves, "'are all for my sons only. My wives are for my younger brother.'" Such is the disposition of a man's property. It relates only to the male children. The custom as to the female children is not to give them any land; for their father bears in mind that they will not abide on the land. They may marry husbands belonging to another tribe, not at all connected with their parents' family; therefore no portion of land is given to them. Not so the male children: they stand fast always on the land.

Such is the account given by an intelligent New Zealander, of the customs among them as to the disposal of landed property.

[*Swainson's New Zealand,* 1859: p. 150.]

XI.—Mr. BUSBY, formerly British Resident at New Zealand.

I have read much of "Manorial" and "Seignorial Right," of "Tribal Right," and even of "Feudal Right," in relation to the Maori tenure of land. Persons use these expressions, with ideas more or less distinct attached to them, taking it for granted that corresponding ideas exist in the minds of the Maories.

The Rev. Mr. Hobbs lately showed that the words "Mana," and "Rangatira," which are the words in the Maori language supposed to represent the ideas of right and of authority, represent no such ideas in the minds of the Maories. In fact, the ideas must exist before words to represent them are called into existence.

I question whether many of the Maories are better informed on such points now than they were at the time of the Treaty of Waitangi, but it is very certain that at that time no Maori entertained the idea of a "right" existing in one party which implied an obligation upon all other parties to respect it: no one conceived the idea of authority carrying with it the corresponding obligation of obedience. Such rights and obligations are the creation of law, and cannot subsist without it. The Maories had no law but the law of the strongest.

It is certain that the Maories had no fixed rule to guide them in the disposal of their land. It was a commodity to which no exchangeable value had even been attached—a transaction for which no precedent existed; and, as in other things, the weak were overborne by the strong and impudent. Those who, according to our rules of lineal descent from the common progenitor ought to have had most to say in the matter, had often the least. This shocks our ideas of right, but it came as a matter of course to them.

Nevertheless, there are ideas attached to the possession of land which may well be called instinctive. When a man has felled the forest, and fenced-in and cultivated a portion of land, he has established a right against all other persons, which is at once felt to be as natural as that of a man to his own children, and is precedent of all law; and great injustice may be done to individuals who hold such a

possession, if they are prevented from selling it by a supposition that what we call a superior right exists in some other person, that right being nothing more, in the minds of the Maoris, than the exercise of an arbitrary power by those who have strength and arrogance enough to assume it.

[*Letter in Southern Cross Newspaper, July* 1860.]

XII.—Rev. Mr. BUDDLE, Superintendent of the Wesleyan Mission.

"*Mana*" of the chiefs. This word means authority, power, influence. It was originally applied to persons and their words or acts, not to land. A chief whose authority or influence enabled him to gather together an army for war was *he tangata whai mana* (a man possessing mana). Commands readily obeyed are a *kupu whai mana*—words having influence. A promise faithfully kept and duly performed was mana—*Kua mana te kupu a te Kawana*—the Governor's word has been fulfilled. This word has of late been used in reference to land, and now we hear of the *Mana o te whenua* (the mana of the land)—what distinct idea is attached to it, it is difficult to say. The disputed land at Waitara is claimed by the Maori King party because the King's mana has reached it—*Kua tae te mana o to matou kingi ki reira*—the mana of our king has gone there. And wherever this mana is gone, the land is held as inalienable without the King's consent. *Kia mau te mana o te whenua* is another expression now in frequent use, *i.e.* hold fast the mana of the land. What does it mean? This is altogether a new application of the term; perhaps it has been adopted in consequence of the Queen's sovereignty over the Island having been translated as the Queen's *mana*. But it certainly did not originally mean that which is now claimed for it, viz., a chief's "manorial right." This use of the word was not heard until this Maori King movement originated it.

It is by no means clear that any such custom as "manorial right" ever obtained among the native tribes; was either claimed by the chiefs, or ceded by the people originally. A man took possession of territory by the strength of his arm, and rested his claim on his conquests. "*Na tenei*," he would say, stretching out his arm, "by this I obtained it." Or he claimed it in consequence of having cultivated it. What reason could exist originally for such rights? Land sales were things unknown. If land exchanged hands, it was not by sale, but by conquest—by Might disregarding Right." Apropos to this subject, a Waikato chief who was adducing reasons for the King movement, remarked, "*Hoko tahae*" (dishonest sales of land) was one reason. A chief offered land to Government, and because he was a chief it was taken for granted the land was his own; "but," he added, "you must not suppose that "every chief, because he is a great man, with a great name, is a great landowner; there are many "great chiefs who have no land, and therefore have no right to sell?" How does this accord with manorial rights?

Take another fact. One man, at the great meeting at Ngaruawahia, drew a circle around him and said, "This is mine; let no man interfere with me. I am on my own land, and shall do what I like "with my own." Another asserted the same right, and declared his intention to sell what he pleased when he returned from the meeting. Did these men acknowledge the chiefs' manorial rights? Take another fact; Potatau himself sold a block of land to the Government a few years ago, and received a deposit of 50*l.*; but the sale has never been completed, because the men who had cultivated the block deny his right to sell, though he is principal chief of the tribe, and refuse to allow him to do so. Manorial rights are imaginary rights when claimed for New Zealand chiefs.

[*Pamphlet, Origin of the King Movement*, 1860.]

XIII.—Mr. SHORTLAND, formerly Protector of Aborigines.

The spot where each canoe (of the migration) was finally drawn to land was taken possession of by the crew, who spread themselves from that centre over the more fertile districts till they became a numerous tribe. Each of the grand divisions under which the natives of the Northern Island may be classed has its own characteristic dialect, and it seems probable that the term *waka* (canoe), which is also used to denote these primary divisions, has reference to that origin of the tribes. At the present day, these *wakas* are divided into many distinct *iwi*, each of which is subdivided again into *hapu* or smaller communities. The territory claimed by a *waka* is subdivided into districts, each of which is claimed by an *iwi*: these again are variously apportioned among the different *hapus* and families of chiefs.

In the immediate vicinity of a pah the land is more minutely subdivided between its inmates, nearly every person having his own small cultivation ground, or holding some spot in common with other members of his family. This circumstance renders it difficult to purchase lands once so occupied, even though the pah may have been deserted for many years: as every man whose ancestors cultivated there will expect his claim to be satisfied.

The chiefs are the principal landholders. Every individual, however (as far as I have been able to learn), has his own estate, which he has inherited from his branch of the family, and which he cultivates as he pleases. The sons of a chief may during his lifetime select *kingas* or farms from their father's estate; but the larger portions are cultivated in common by the different members of the family. On the death of the father the eldest son chooses some part of the lands for himself, the others do the same: the daughters obtaining only so much as their father or brothers choose to leave them. This order of things is sometimes changed in case the elder brother is of a quiet disposition and the younger brother happens to be a *toa*, or turbulent fellow.

A chief, when speaking of the title by which he holds his lands, never fails to make a distinction between those which he has inherited and those which he or his ancestors have obtained by conquest; over the former his right is universally recognized, the latter appear to be tenable only so long as

the party in possession are the most powerful. The claim which he advances is however quite characteristic, viz., that the lands are the *utu* or compensation for the death of his relations who perished in the fight. It is from purchasing lands the right to which is thus contested by two hostile parties, either of whom will gladly avail himself of an opportunity to sell independently of the other, that Europeans have unwarily fallen into so many difficulties.

Besides the lands thus held, there are large districts on the borders of different tribes which remain uncultivated. These *kainga tautohe* (debateable lands) are a never-failing cause of war till one party has lost its principal men. When a dispute arises between members of the same tribe as to who is the rightful owner of a piece of land, the principal persons on both sides meet together to discuss the affair: their pedigrees are traced, and the ancestor from whom either party claims is declared; and proof that any act of ownership (such as cultivating, building a house, setting pit-falls for rats, or making eel-weirs) was once exercised without opposition by one of their ancestors, is considered sufficient evidence of the right of his descendants to the land. I have been present during such discussions, but have never known them terminated in an orderly manner, nor have since learnt that any advance has been made thereby towards settling the question.

[*Report to Chief Protector; in Parl. Pap. July* 29, 1844.]

XIV.—Mr. White, Interpreter in the Native Office.

In order to be better understood, before speaking of the tenure, a glance may be given at the manner in which the migrations took possession of and portioned out their newly-discovered country. It is generally admitted among the natives of New Zealand that the chief Kupe, who came in the canoe Matahourua, was the first. He took possession of the country from Whanganui to Patea. Turi, in the canoe Aotea, came next; he took from Patea to Aotea. Next were the canoes Te Arawa and Tainui; they took the land from East Cape to Cape Colville, where Tamatekapua, chief of the Arawa canoe, died. The chiefs Ruauru and Toroa came next in the canoe Matatua, and took Rotorua Lakes. The Tainui canoe, commanded by Hoturoa, came on from Cape Colville to Tamaki, and took all the country, east from Cape Colville to Mangawhai, west from Manukau to Whaingaroa. The Ngapuhi canoes were next—Mamari, Riukakara, and Mahuhu. The first went to Hokianga river, and took the land from Maunganui to Ahipara. The Ruikakara went to Whangaroa, and took the land from Mongonui to the Bay of Islands. Mahuhu (Ngatiwhatua) took the country from Mongonui, round the North Cape, to Ahipara. The Wakatuwhenua canoe came next, and took Cape Rodney. The chief Manaia, in the Tokomaru canoe, took Taranaki; the ancestor of the Ngatiawa came in this canoe. The canoe Kurahaupo, commanded by Ruatea, landed near East Cape, and took all the land from the point taken by Arawa, round the East Coast to Port Nicholson. The canoe Takitumu (or Herouta—fast sailer), commanded by Tata, first landed at Turanga, but proceeded southwards, crossed Cook's Strait, and took possession of the whole of the Middle Island.

Thus all the lands in the North and Middle Island were taken possession of on the arrival of the canoes. The boundaries claimed by this right of discovery did not long remain. Some time after the Arawa and Tainui migrations had settled, a chief of the Tanui went overland to the Bay of Plenty and burnt the canoe Te Arawa. This was the cause of the first Maori war.

Most of the tribal boundaries lay along the highest ridges; and as these were the resort of the rat, every chief became acquainted with the exact boundary of his lands. Where a creek was the dividing boundary, this was occupied with eel dams; not made of wickerwork, that might be carried away by a flood, but of such construction that generations might pass, and each put the eel baskets down by the carved and red-ochred *totara* post which its ancestors had placed there. Where the dividing boundary between two tribes ran along a valley, landmarks were erected, generally of cairns, to which names were given.

There is not an inch of land in the Islands which is not claimed, nor a hill, nor valley, stream nor forest, which has not a name. The boundary was liable to be altered as when land was taken by conquest; or was given by a chief for assistance rendered by another tribe in war; or when land given to the female branch of a family reverted to the male branch; or where land was ceded to a tribe for a specific purpose, and with certain restrictions, the tenure being conditional on the terms being fulfilled.

Hereditary tenure was thus:—The claim was grounded on the right of the grandfather or grandmother, not of the father, mother, brother, or other immediate kindred. There have been cases where a chief, on his death-bed, portioned out his land to each of his children. The sons' claim is, in all instances, derived from the grandfather. The eldest son, of the senior branch, in the male line, is chief of the tribe, and exercises sole authority as guardian for his people against the encroachments of other tribes; but all the offspring, descendants from the male branch, have an equal right in the lands of their progenitors. No matter how distant the relationship, they all, so long as they can trace their origin up to the same ancestor (provided a family war has not occurred and thereby divided the tribe) claim an equal right to the lands owned by that ancestor. The title in the female line does not expand to the same extent; the granddaughter of a chief has an equal claim to the lands of her grandfather with that of her male cousins, and the claim continues good to her grandchild; but, on the death of that grandchild, the land reverts to the male line. This custom holds good for the following reason, which is assigned at its origin; namely, that were it not upheld, the intermarriage of chiefs' daughters with members of other tribes would soon so complicate and curtail the tribal claims, that an invitation would be held out to adjoining tribes to attempt by conquest to despoil them of their territory.

If a family war takes place in which a tribe becomes divided (which has frequently occurred), a

division of the tribal lands takes place. The lands of a tribe were portioned out according to the number of families of which it consisted, and were claimed by each family as its own; nor did any one meddle with it or occupy the land of another family unless by express permission. Still, those portions were not the exclusive property of each family. But this only applies to the lands originally settled by the first migrations, not to lands which have been acquired by conquest, gift, or *utu*, for curses or other injuries. Land is claimed by families, and the object of the Chiefs in pointing them out was to prevent tribal disputes, and to allow each part of the tribe to have a portion of land over which it could exercise the exclusive right of cultivation, fishing, snaring birds, catching rats, or obtaining fern root. Moreover, this portioning out of the tribal lands caused emulation in the different families as to the produce gained by each for the use of the tribe. The individual claim to land, therefore, does not exist among the New Zealanders, according to our acceptation of that term.

The right to land taken by conquest rests solely on the conquering party actually occupying the taken district, to the utter exclusion of its original owners or other tribes. If a portion of the conquered tribe escaped, the claim held good to as great an extent as they had courage to occupy; and if they could manage to keep within their own tribal boundary, and elude the enemy, their right to the whole of the land held good; hence the meaning of a sentence so often used by old Chiefs in their land disputes, "*I ka tonu taku ahi i runga i toku whenua*" (My fire has ever been kept alight upon my land). Again, if a tribe was conquered and became extinct with the exception of slaves taken by the conquerors, these slaves might by purchase recover their tribal lands, or they could, if liberated, return to them on condition of allegiance to the conquerors, rendering them assistance in war, and paying a tribute, for a time, of their produce. (Here follow numerous instances of other complicated claims). When land was given by one tribe to the leader of another tribe for assistance in war, it did not vest in that leader; the relatives of Chiefs killed in the war had a claim. It was also necessary that the land should be occupied and possession retained.

The war in the Bay of Plenty, which has been continued to the present time between certain Chiefs, also originated in a like cause (disputes of title). The contending parties are all of one tribe, and spring from one ancestor, but by intermarriage some have a more direct claim than others; the descendants who by intermarriage are related to other tribes have made an equal claim to lands over which they have but a partial claim; and resistance to this has been the cause of the war. Disputes of this kind are not easily unravelled. I believe that, were it possible to teach the Maories the English language, and then bring them into some Court, allowing each contending party to plead his cause in such a dispute as I have mentioned, not according to English law, but Maori customs, both sides would, according to Native genealogy and laws, make out their respective cases so clearly that it would take a Judge and jury possessed of more than human attainments to decide the ownership of the land.

[*Lecture at the Mechanics' Institute, written in August* 1859.]

XV.—Rev. J. A. Wilson, Church Missionary.

As much controversy has arisen since the commencement of the present war concerning the right by which land is held among the aborigines, I beg to offer a few remarks illustrated by facts, which at an early period in this country fell under my personal observation, when acting as an agent of the Church Missionary Society. I refer to the purchase of land in four different localities, in order form Missionary establishments.

The Natives of New Zealand assert their claim to lands on the following grounds:—

1st. Hereditary claims, which are the best.

2nd. Lands obtained by conquest.

3rd. Lands the Titles of which are disputed, or doubtful. These last claims are chiefly owing to marriage, and intermarriage with other tribes.

These various claims are either *Individual* or *Tribal*.

It is not within my reach to refer to the exact dates attached to the transactions I shall notice, the original deeds being in the possession of the Government; yet I may mention that the first of these purchases was made at the Thames, at a place named the Puriri, about 1835. I was myself one of a small band of Missionaries (four in number) who in the latter end of 1833 made the first attempt to christianize the Natives in this part of the Island, the Church Missionary Society having hitherto confined their efforts to the Bay of Islands and its neighbourhood.

The land on which the station at the Thames was formed was obtained from a *woman* named "Tini." We found it was at her entire disposal either to retain or to sell it at pleasure, and no Chief attempted to use the slightest control over her.

The payment, which at that period consisted chiefly of clothing and ironware, &c., was arranged by herself, assisted by others. Part she took for herself, the rest was distributed among the tribe to which she belonged, or sent as presents to other tribes.

The Puriri having proved both unhealthy and inconvenient, about two years afterwards a second place was bought nearer to the sea. This also was sold by the same person. In this second purchase the following difficulty occurred, which will throw some light upon native usage in the transfer of land amongst themselves. It was known that a Chief named Koinaki and his clan were living by sufferance on the place she wished to part with, and according to Native custom there was no right existing that could eject them. It was at the option of these people to remain there for generations, or even till the tribe became extinct. On the other hand, those in possession had no power over the land, either to alienate or to dispose of it in any way. If they left it voluntarily, or were driven away in war, and the place lay desolate for any length of time, it was not in the power of the tribe who had left it to put any

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second party in possession, but it at once reverted to the hereditary heir. To get over the present embarrassment, Tini made presents to Koinaki and his people, in consideration of which they withdrew from the land.

The next instance I shall observe on was the purchase of land for a Missionary residence, &c., in the interior. In 1835 the Rev. Mr. Brown and myself formed a Missionary establishment at Matamata, and we were desirous to secure land for a village, &c. Our houses were built, and part of the ground cleared and fenced before we made any direct application to Waharoa, the Chief of *all* the Matamata tribes. This person had no compeer in the surrounding districts, and was feared by all, from the banks of the Waikato to the Lakes of Rotorua. As the Missionaries had been invited by this Chief to Matamata, and were now living under his protection, they supposed it merely necessary to apply to him, in order to be put in possession of the land they occupied. He told them, however, that the land was *not his*, and that he *could not sell it*. But, he added, he had land of his own opposite the Pa (native fortification), and that they should have that.

This the Missionaries declined, for, though only a mile distant, yet as the pa might at any time be attacked and endanger the station, they preferred remaining on the site already chosen.

The old Chief, pressed by their importunity, consented at last to speak to the proprietor, Paringaringa, and shortly afterwards through him to the settlement. He was a young man, and owned land in the vicinity of Matamata. He readily agreed to sell the place, and having arranged the price, he afterwards returned with his mother and one or two others, who at once removed the property to their own dwelling *without making any distribution to others*. Waharoa, who was present, took two spades from amongst the different articles, more as an article of friendship than a right, and the purchase was concluded.

Other instances might be cited, but these appear sufficient to prove that, according to the primitive usages originally existing in this country, such a law as *positive personal* right to land was acknowledged.

But before quitting this subject, to noticing Tribal ownership, I shall take the liberty to insert a remark made by a Taranaki Native who a short time since accompanied me down the Waikato. I had observed to him that a number of the people in a Tribe we had just passed were saved from instant death through the interposition of two Europeans about 25 years since, but that they had forgotten their benefactors. My companion for some time pulled on in silence; at last he said, "The Maori "does not forget an obligation of this kind any more than the Pakeha. The Europeans you speak of "could not have been recognized, or they would not have been allowed to pass on without a welcome." Then, in order to illustrate the gratitude of his countrymen, he continued, "If, in former times, a "rangatira (freeman, or gentleman) was dangerously wounded in battle, and was on the point of falling "into the hands of the enemy, if, at such a moment, he was rescued by the valour of others, and who "afterwards carried him to his home, his first thought after his recovery was, 'What can I give to my "'friends? I have no riches, but I have land! I will give them land.'" And he acts accordingly.

The two next cases I shall refer to relate to *Tribal Claims*.

The first purchase was made by the Missionaries at Tauranga, in the Bay of Plenty, during my residence among them. The land on which the station is situated was bought from the whole tribe of Ngaiterangi, the Chiefs receiving the payment before the people, which was by them divided according to the right of claim.

The last I shall speak of was at Opotiki, 80 miles to the eastward of Tauranga, and situated in the same Bay. This station was formed and conducted by myself alone for the first 12 years.

The land at Opotiki was tribal, and belonged to a number of small clans who were jealous of each other, and always at variance. As it was not easy to adjust and divide the property given in exchange to the satisfaction of a thousand such claimants, I gave the stipulated equivalent, which consisted of clothing, cattle, horses, ironware, and money, &c. (300*l.*) to six or seven Chiefs, and they arranged the distribution.

Thus, though in widely different parts of this country, we find the observation of the same rights; and I believe it will be found that the above precedents form the basis of the tenure by which lands are held amongst the Aborigines.

[*Letter to Governor Gore Browne*, 1860.]

APPENDIX B.—ACTS AND DECISIONS OF THE GOVERNORS OF NEW ZEALAND.

I.—EXTRACT from a DESPATCH from GOVERNOR HOBSON to the SECRETARY OF STATE, December 15, 1841.

I certainly admit that a people, who are in the highest degree jealous of their territorial rights, and amongst whom those rights are very imperfectly defined, are not unlikely to resort to force sooner or later, rather than suffer the occupation of lands, which may have been fairly bought from one tribe, but are claimed with great apparent justice by another.

I take, for instance, the Waikato tribe, under the Chief Te Wherowhero, who are extremely powerful. They conquered and drove away the Ngatiawas from Taranaki in 1834, leaving only a small remnant, who found refuge in the mountains of Cape Egmont; and having pretty well laid waste the country, and carried off a large number of slaves, they retired to their own district on the banks of the river Waikato.

It appears that in 1839 Colonel Wakefield visited the country, and bought a considerable portion of it from the few Ngatiawas who had resumed their habitations on the retreat of Te Wherowhero.

Now Te Wherowhero claims the country as his by right of conquest, and insists on it that the remnant of the Ngatiawas are slaves; that they only live at Taranaki by sufferance, and that they had no right whatsoever to sell the land without his consent. In illustration of his argument, he placed a heavy ruler on some light papers, saying, "Now so long as I choose to keep this weight here, the "papers remains quiet, but if I remove it, the wind immediately blows them away; so it is with the "people of Taranaki;" alluding to his power to drive them off.

Te Wherowhero certainly has a claim to the land, but not a primary one, as the received rule is, that those who occupy the land must first be satisfied. But he is the most powerful Chief in New Zealand, and I fear will not be governed by abstract rights, but will rather take the law into his own hands.

[*In Parl. Pap., Aug.* 12, 1842, *p.* 188.]

II.—EXTRACT from DEED OF SALE from TE WHEROWHERO to HER MAJESTY, dated January 31, 1842.

Know all men by this book: We, Chiefs of Waikato, do let go and sell these lands of ours to George Clarke, the Protector of Natives for H.M. Victoria, Queen of England, her heirs and successors, whether male or female, the land and all things that are on or under this land, we sell to George Clarke, the Protector of Natives, for an estate for the Queen, her heirs and successors, whether male or female, for ever.

The beginning of the Northern boundary is at Tongapourutu, the Western boundary is along the sea shore between Tongapourutu and Waitotara, and on the South beginning from Waitotara and going inland to Piraunui.

[*In Sess. Pap. Gen. Assembly*, 1860.]

III.—EXTRACT from a LETTER from GOVERNOR HOBSON to the RESIDENT MAGISTRATE of NEW PLYMOUTH, dated Kawhia, April 25, 1842.

I write hastily, and am unprepared to enter into any details; but I cannot allow Mr. Whiteley to visit Taranaki without giving you the result of my communication with the Chiefs of this place, relative to your settlement.

I find you have had a friendly visit from this branch of the Waikatos, who now express a wish to settle and cultivate in your neighbourhood; and I have purchased Te Wherowhero's claims, as well to your block of land as that which extends thirty miles to the north of what Colonel Wakefield pointed out to me as your northern boundary. I have permitted them to settle near you, but by no means to infringe upon you. They will locate on your northern frontier, within the limits I acquired by purchase from Te Wherowhero; and I trust you may find them as good neighbours as the Natives are about Auckland.

Have the goodness to point out to Mr. Whiteley your boundary line, and to inform on behalf of the Natives where they may go without interfering with the settlers. I do not contemplate their having more than they choose to cultivate, which certainly will not exceed 100 or 200 acres.

W. HOBSON.

[*In Parl. Pap.* 1846, *No.* 203, *p.* 70.]

IV.—EXTRACT from FIRST REPORT of COMMISSIONER SPAIN, dated Taranaki, June 12, 1844.

It appears to me that the Ngatiawa, who left this district after the fight, sought for and obtained another location, where they lived and cultivated the soil, and from fear of their enemies did not return, cannot now show any equitable claim to the land they thus abandoned; and having admitted their title at Port Nicholson, by reason of their occupation and cultivation of the land there, from the time of their arrival there from this place up to the time of my decision, I could not, with the slightest regard for consistency in my awards, for one moment entertain any claim of theirs to this district. Had they returned before the sale, and, with the consent of their countrymen, again cultivated the soil, I should have held that they were necessary parties to the sale.

It appears, however, that some of this tribe, after the arrival of the Europeans and the formation of the settlement, and when they thought themselves in consequence safe from their enemies, did return here and commenced cultivating land within the limits of the block previously alienated to the New Zealand Company. But I cannot, for the reasons before stated, admit their title; and if I did, I should be also obliged to admit that of all the others who might at any time think proper to return and claim payment.

From my first arrival at Wellington, the chiefs Moturoa, Wairarapa, and others, who disputed the sale of that place to the Company, constantly told me that they should remain there until they got payment, and then come here and claim payment also for this place.

I invariably discouraged them from taking a step which appeared to me so unfair and unjust, and I was much pleased to find that not one of them appeared here to assert any claim, although they had full notice of the intention of my visit to this place, and some of their people and Wairarapa's son travelled with me the whole journey.

If, however, the claims of those who had returned since the purchase had been once admitted, no doubt all the others would immediately have claimed payment, and my inquiry would have been almost interminable.

[*In Parl. Pap. April* 8, 1846, *p.* 132.]

V.—EXTRACT from FINAL AWARD of COMMISSIONER SPAIN, dated Auckland, March 31, 1845.

The Principal Agent having communicated to me that he was ready in any case where I might consider it expedient to make a further payment to the natives, although not strictly legally or equitably due to them, I inquired of Mr. Clarke before entering upon the case, and several times after its commencement, whether he considered it would be expedient to offer any further payment to the claimants: but he invariably stated to me that this could not be done with safety; that he had not the slightest chance of inducing the natives to accept a composition, and that if they received any further payment, the Waikato would come down upon them and take it away; which would in all probability lead to a fight between them. I also heard from several authentic sources, that the Waikato, looking upon these people as slaves, were continually threatening to come to Taranaki, and take them back into a state of slavery.

Had it appeared expedient, I might have recommended, as a matter of policy only, but certainly not according to the evidence as a matter of right, that some payment should be made to the natives, as an act of grace on the part of the Company, calculated to assist in procuring a good understanding between the two races; but under the circumstances, and with the probable consequences so apparent, I feel it would have been unwise, inexpedient, and justly censurable, to have pursued such a course. If such an offer had been made, even by way of gratuity, I am satisfied, from the evident spirit manifested by all the aborigines I had seen since my arrival, that it would have been refused, and construed into an admission on my part that they had not sold their land,—besides rendering them still more determined to withhold the land from the Europeans. If, on the contrary, any such payment had been accepted by those who were then present, hundreds of other claimants would have soon sprung up from among the members of the same tribe, whom I have before described as now residing at Port Nicholson, Waikanae, and other places; while there would have been a strong probability of an attack from the Waikato.

Had Mr. Clarke (whose zeal in advocating the interests of the aborigines cannot be questioned for a moment) entertained the idea that the returned slaves had any just or equitable claim to the land, he surely ought to have brohght forward such claim, and urged its recognition; but his speech to the natives on the close of the evidence, wherein he had expressed himself in strong terms to the effect that I had afforded him every opportunity of bringing forward evidence on the part of the natives, affords abundant proof that Mr. Clarke held no such doctrine. * * *

The question, then, which your Excellency has raised, turns upon whether slaves taken in war, and Natives driven away, and prevented by fear of their conquerors from returning, forfeit their claims to land owned by them previously to such conquest.

And I most unhesitatingly affirm that all the information that I have been able to collect as to Native customs, throughout the breadth and length of this land, has led me to believe and declare the forfeiture of such right by aborigines so situated. In fact, I have always understood that this was a Native custom fully established and recognized; and I never recollect to have heard it questioned until your Excellency was pleased in the present instance to put forward a contrary doctrine.

Since that time I have made every further inquiry in my power amongst competent and disinterested persons, whose testimony has fully confirmed my original opinion.

I enclose a copy of a letter upon this subject received from the Rev. Mr. Ironside, a Wesleyan Missionary, who has been many years residing in New Zealand, and is well acquainted with the Taranaki Natives, and whose opinion is entitled to weight. * * * *

I am fully of opinion that the admission of the right of slaves who had been absent for a long period of years, to return at any time, and claim their right to land that had belonged to them previously to their being taken prisoners of war, and which before their return, and when they were in slavery, had been sold by the conquerors and resident Natives to third parties, would establish a most dangerous doctrine, calculated to throw doubts upon almost every European title to land in this country, not even excepting some of the purchases made by the Crown; would constantly expose every title to be questioned by any returned slave who might assert a former right to the land, let the period be ever so remote; and would prove a source of endless litigation and disagreement between the two races, a result which must soon stop the progress of civilization amongst the Natives, so essential to their amelioration. * *

Considering, however, the high trust reposed in me when I was charged by my Sovereign with such an important commission in this distant land; admitting at the same time the difficulties and perplexities which have met me at every step in its execution, and with the most sincere desire to perform my duty honestly and justly, and with a due regard to the oath I have taken so to do, I can come to no other conclusion than that the Company is fairly and justly entitled to the whole block of sixty thousand acres of land; and, therefore,

I, William Spain, Her Majesty's Commissioner for investigating and determining Titles and Claims to land in New Zealand, do hereby determine and award, &c., &c.

W. SPAIN.

[*In Parl. Pap., April* 8, 1846, *pp.* 49–63.]

VI.—Extract from Proceedings of Commissioner Spain's Court at Taranaki, June 1844.

The Commissioner then addressed Mr. Clarke, telling him that the time had now arrived for him to call any evidence he had to offer on the part of the Natives upon the case before the Court; but that if he required time he would adjourn the Court to afford Mr. Clarke time to be prepared. Mr. Clarke requested an adjournment until the next morning, stating that he should then be fully prepared.

The Court met at 10 a.m., June 6th, pursuant to adjournment.

The Commissioner called on Mr. Clarke to produce any witness on behalf of the Natives. Mr. Clarke called Wahoa, who was examined in chief by Mr. Clarke, and cross-examined by the Principal Agent (of the New Zealand Company).

Mr. Clarke then said he had no more witnesses to call.

The Commissioner called on Mr. Clarke to explain to the Natives publicly that every opportunity had been afforded him by the Court of bringing forward evidence on their behalf, and that he had now declined bringing forward any more witnesses; but that the Court was ready to hear anything the Natives had to say.

Mr. Clarke explained this to the Natives as follows:—

"My friends, hear my very short speech: You are all aware of the purpose for which I came to this place, namely to represent your claims and declare your thoughts to the Commissioner, and to see that all the necessary evidence is adduced. The Commissioner has given me every opportunity of calling such witnesses as I might deem necessary, but I have called only one, whose testimony you have just heard, because I think none of you have anything to advance which has not already been stated before Mr. Spain. Am I right when I say you have nothing more to tell? (Several answered, "Yes, yes, that is all we have to say.") Mr. Spain now adjourns his Court till Saturday morning; all the necessary evidence has been taken, and he wishes to have sufficient time to consider it calmly and quietly before he sees you again, that there may be no mistake. Return to your homes, and assemble here on Saturday morning at the same time you assembled this morning, in order that you may hear Mr. Spain's judgment."

[*In Parl. Pap., April* 8, 1846, *p.* 68.]

VII.—Extract of Letter from Rev. Samuel Ironside, Wesleyan Missionary, to Commissioner Spain, dated October 30, 1844.

With reference to the settlement of the land claim question in the New Plymouth district, I have no hesitation in stating my sincere conviction that to compensate the Natives residing in the neighbourhood for the lands claimed by the New Plymouth Company would be very injudicious, and might lead to disastrous results, which we should all deprecate.

The Waikato Chiefs who conquered Taranaki have not acknowledged, and do not acknowledge, the right of the Taranaki people to sell the land, on which they reside merely on sufferance; they look with jealousy on the proceedings of the returned slaves, still call the country their own, and I fear that compensating them—the Taranaki Natives—would foster the jealousy and suspicion of their former masters, rouse their ire, and lead to an open rupture between the tribes. I may be wrong, but that is my opinion.

What is best to be done under the circumstances is another question, and a difficult one. I might, however, suggest that ample provision of land should be made for the resident Natives, not in sections chosen by lottery, but in blocks of 5,000 acres in the different directions now occupied by them; and if presents be made they should be made to the Waikato Chiefs, and not to the Taranaki Natives; this would allay the jealousy of Waikato, would not injure the resident Natives of Taranaki, and would thus tend to promote peace and order.

[*In Parl. Pap., April* 8, 1846, *No.* 203, *p.* 72.]

VIII.—Extract from Report of Protector Clarke, dated June 29, 1844.

In order to enable you fully to comprehend the nature of the obstacles to the amicable settlement of this branch of the question, I feel it necessary to refer to circumstances which occurred nearly 14 years ago, when Te Rauparaha persuaded a large force of the Ngatiawa and other tribes to assist him in his wars with the original inhabitants of the northern and southern shores of Cook's Straits. The Waikato Natives, taking advantage of their absence, suddenly invaded the Taranaki district, and took Pukerangiora, a large pah on the Waitara River, capturing or destroying nearly 2,000 of the inhabitants; they then attacked Ngamotu, near the present settlement of New Plymouth, but without success, and were compelled to return to their own country. They afterwards cultivated a small portion of land formerly occupied by the Ngatimutunga, to the north of the Waitara River; but, if the accounts of the Natives now resident at New Plymouth are to be credited, they never cultivated any other part of the district. I believe a small party of them attempted to occupy land on the Waitara, but met with so much opposition from the original claimants, that they were compelled to retire. On these circumstances the Waikato Natives formed their claims, but I believe they never took possession of, or exercised acts of ownership upon, the land generally. * * * *

After the introduction of Christianity into the district of Waikato, many of the Natives who had been taken prisoners at Taranaki, and reduced to slavery, were released by their masters, and permitted to return to their own country. These freed men first arrived there some months after the date of the purchase, and took possession of the spots they had formerly occupied and cultivated. Ever since which, parties of the tribe in Cook's Straits have been and are still daily returning, and resuming

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possession of the lands they respectively occupied before their migration to the southward. On the other hand, that portion of the Waikato tribes who are not more immediately under the influence of Te Whero Whero, and particularly the Natives of Mokau and the adjacent country, have expressed their determination to renew the contest with the Taranaki tribes, if they persist in a general re-occupation of the district, or accept of any payment from the Europeans.

Feeling that much of the future prospects of the Colony depends upon the view which the Government may be pleased to take of the state of the land question, I have endeavoured faithfully to lay before you the circumstances of each case as advanced by the Natives, with their sentiments thereon; and, as their official protector, I feel that I should not discharge my whole duty without, in conclusion, respectfully but urgently calling the attention of the Government to the evidence as taken before Mr. Spain, and the immediate necessity of a final settlement of the grounds of dispute between the two races.

[*Sess. Pap. Gen. Assembly*, 1860, *E. No.* 2.]

IX.—EXTRACT from REPORT of Mr. PROTECTOR FORSAITH, July 10, 1844.

July 10, 1844.

On the 17th May we left Wanganui, and travelling on through Waitotara, Otihoe, Manawapou, Waimate, Kaupokonui, Otumatua, Waiaua, Warea, and Houranga to New Plymouth, at which place we arrived on the 29th. The following day Mr. Clarke and myself visited the different settlements as far as Waitara, to request the attendance of the Natives at the Commissioner's Court.

On the 31st the Court opened, and the investigation was continued without any material interruption until the 6th June. On the 8th the Court again opened, when the Commissioner notified the nature of his decision upon the case, which was an award in favour of the Company, of all the land described in the chart which was exhibited, excepting some reserves which were specified, lying between Ngamotu on the South and Te Taniwha on the North.

When I interpreted Mr. Spain's decision, considerable excitement was at first manifested among the Natives, who strongly objected to it: but this ebullition of feeling subsided, and they refrained from all further expressions of discontent, except signifying their intention of appealing to his Excellency. On the 21st the "Victoria" arrived, and Mr. Spain (accompanied by Colonel Wakefield and Mr. Protector Clarke) embarked, and about 4 p.m. the brig again made sail. I (according to orders received by the brig) resumed my journey northward, and arrived at Auckland on the 8th instant, having left New Plymouth on the 24th ultimo.

[*Not before published.*]

X.—LETTER from WIREMU KINGI WHITI and other NGATIAWA CHIEFS to GOVERNOR FITZROY, dated Taranaki, June 8, 1844.

FRIEND GOVERNOR,

Salutations! Great is our love to you; this is our speech to you. Listen to us respecting this land, respecting Waitara; our hearts are dark by reason of Mr. Spain's words. Indeed, the Europeans are wrong in striving for this land, which was never sold by its owners, the men of Ngatiawa.

Now, when the Ngatiawa tribe went to Kapiti, they left some men behind on our lands, who were surprised by the Waikatos, and some of them led away captive; who, having arrived at Waikato, were afterwards returned by the Waikatos to Waitara to dwell there. Others came back from Kapiti. We love the land of our ancestors; we did not receive any of the goods of Colonel Wakefield; it was wrong to buy the land which belonged to other men. There are many Chiefs to whom this land belongs who are now at Waikanae and Arapaoa. It was love for the lands of our forefathers that brought us back to those lands. Friend Governor, our thoughts are that those lands were never settled by the Waikatos; and when we embraced Christianity, we learnt the rules of the Gospel, and to dwell in peace.

This also is the determination of our people. Waitara shall not be given up; the men to whom it belongs will hold it for themselves. There was not a single man of the Ngatiawa tribe who received the payment of Wakefield. These are the only men who took the payment—the men of Ngamotu and Puketapu, and they had no right in Waitara. The Ngatiawas are constantly returning to their land, on account of their attachment to the land of our birth,—the land which we have cultivated and which our ancestors marked out by boundaries and delivered to us. Friend Governor, do you not love your land—England—the land of your fathers—as we also love our land at Waitara. Friend, let your thoughts be good towards us. We desire not to strive with the Europeans, but at the same time we do not wish to have our land settled by them; rather let them be returned to the places which have been paid for by them, lest a root of quarrel remain between us and the Europeans. Friend Governor, be kind to the Natives; the places that have been justly purchased by the Europeans, let them have them, that your judgment may be just.

This is not from us only, but from all the Ngatiawa, though the greater part are absent. From Hakopa, Tipene, Te Wataraui, Tutarahaina, Paturoi, Te Wareraka, Tamati Tiraurau, Hirini, Mangonui.

By us, by all the men at Waikanae and Warekauri,
Written by me, WILLIAM KING WITI.

[*Not before published.*]

XI.—Extracts from Reports from Mr. Protector McLean to the Chief Protector of Aborigines in 1844.

Taranaki, August 5, 1844.

I have the honour to acquaint you that, in pursuance of your instructions of the 16th July, I proceeded on my journey to Taranaki on the 18th, calling at the station of the Rev. J. Whiteley, Wesleyan Missionary at Kawhia, who accompanied me to New Plymouth, at which place I arrived on the 28th. On the 29th, that gentleman went with me to visit the Natives at their different residences in the neighbourhood of Ngamotu, where we found a considerable degree of excitement and bad feeling existed among them, arising principally from portions of their lands having been occupied by the Europeans without the consent of the real owners, who were in captivity at the time the purchase was effected by the New Zealand Company from a small party of Natives, whose claims, I am given to believe, were but to a limited portion of the lands now claimed by the Company. I then took an opportunity of informing them that his Excellency was coming to remain at this settlement for a few days, and that he would hear their causes of complaint. They then assured me that, whatever their former resolutions might have been, they would be peaceable and not disturb the settlers till they saw his Excellency, and made their case known to him.

I am happy to inform you that his Excellency's arrival here and his late interview with the Natives has produced a most salutary effect in quelling their excited and angry feelings; and I am in hopes that an amicable arrangement will be entered into with regard to their lands.

When I have had further intercourse with the Natives, and am more acquainted with the different portions of land they dispute, I will be enabled to report to you more fully upon the matters to which you directed my attention in your instructions.

Donald McLean.

[*Not before published.*]

Taranaki, August 26, 1844.

I proceeded on the 12th instant to the Taniwha and Waitara, the Northern boundaries of the New Zealand Company's claims to land in this district. Having visited the Natives at their different pahs, and having afterwards had several of them collected together at the Waitara River, I made inquiries of them as to whether the lands there had been sold to the Company. They informed me that they had never consented to a sale of any portion of their lands in that neighbourhood, and further stated that the few Natives who assumed the right of sale to lands were not the owners thereof, but merely adduced a claim thereto from having had two of their relatives killed and buried there during some engagement with their rival tribes, the Waikatos.

It is evident that there were fifteen Natives residing at the Waitara River at the time the sale was effected, who were unacquainted with it till some time afterwards, and who did not receive any share of the payment given by the Company. It appears that the principal Native owners of those lands, after a most disastrous conflict with the Natives of Waikato at a pah called Pukerangiora (about 8 miles from the entrance of Waitara River), in which many were slain and some taken captive, effected their escape and located themselves in different parts of the country, principally at Kapiti, Nelson, and Port Nicholson. From the latter place several of them found their way to the Chatham Islands.

Within the last two years many of those who left have returned, there being now about 250 Natives residing at their pahs on the Waitara. This river has always been a favourite resort of the Natives. It is not probable that the Natives will be inclined to dispose of any of their lands in this particular neighbourhood.

Donald McLean.

[*Not before published.*]

Taranaki, December 17, 1844.

The Natives of Taniwha and Waitara, who occupy the northern portion of the land claimed by the New Zealand Company, have not shown at any time an inclination to dispose of the land in their neighbourhood, nor do they consider themselves empowered to negotiate for the same without the consent of several absentee Chiefs residing at Kapiti, who own the greater portion of the land. They do not acknowledge the claims of the Company to any part of that district; they never received payment, and were not cognizant of a sale thereof, and will not be induced to suffer European settlers to establish themselves there.

The Puketapu tribe residing at Mangoraka and the Hua, over whom Katatore assumed chieftainship, are desirous that the Europeans who have established themselves there should remain on the lands they have cultivated, but are prevented by Katatore, who will not allow of or consent to any information being given as to land, or individual portions pointed out, fearing it might prejudice his assumed influence, his own claim being but small.

His Excellency the Governor, whose arrival had been anxiously looked for, paid his second visit to this settlement on the 8th November, when I laid before him such information as I could procure; in addition to which I placed before him maps of the settlement, showing the extent of individual claims, both European and Native, as far as the claims of the latter could be obtained; also a statement of the feeling evinced by the Natives respecting their lands; after which his Excellency visited the neighbourhood of Mangoraka and Waitara, accompanied by Messrs. Whiteley and Turton (Wesleyan Missionaries) and myself, when he had an opportunity of conversing with the Natives, who still evinced no desire to allow the Europeans to remain.

The principal difficulties to contend with in the negotiations with the Natives arose in a great measure

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from their elder men not having sufficient influence to direct and advise the younger and more unreasonable members of their tribes; the hereditary despotism of their chieftainship having become more apparently extinct in this district than in any other part of the island, chiefly in consequence of the exterminating wars which have been so prevalent here, in which many of the Chiefs were taken captive, and thus placed on an equality with their followers, so that every one, young and old, has now a voice in their deliberations, which often causes dissatisfaction and annoyance. This was very apparent on one occasion. Several of the young and unpractised orators of the Puketapu tribe had been waiting to exact a part of the payment from the people of Ngamotu for land they assumed a claim to in their district, and which occasioned a general dispute. Moturoa, the Chief from Port Nicholson, got up to assert his claim to some land at Omata. The resident Natives stated that he had no right to come and assert his claim to land from which he had been so long absent, having possessed himself of other lands in Cook's Straits, which he had sold to the Europeans, without considering his relatives, who were left behind to keep possession of and defend lands which he had forsaken. Moturoa, being a Chief of considerable importance, and unused to such insults from parties whom he did not consider his equals in rank or standing, was very indignant. Several of his and his wife's relations formed themselves into a party to revenge the treatment he was receiving, arming themselves with whatever weapons were at hand. Fortunately no collision then took place.

DONALD MCLEAN.

[*In Parl. Pap., April* 8, 1846, *p.* 143.]

XII.—EXTRACT from a LETTER from Mr. PROTECTOR FORSAITH to the COLONIAL SECRETARY, dated August 30, 1844.

Enclosed is a copy of a communication from the Rev. J. Whiteley, of Kawhia, reporting his late visit to Taranaki, and offering some valuable suggestions relative to the settlement of the complicated claims to land in that district; which I do myself the honour to forward for the information of his Excellency the Governor, and would recommend the adoption of the forms submitted by Mr. Whiteley, as calculated to be of great assistance to Mr. McLean in classifying and arranging the information he has to obtain.

[*Not before published.*]

Extracts from Letter from Rev. J. WHITELEY (enclosed in preceding), dated August 15, 1844.

On receiving your letter of July 16th, together with one from his Excellency requesting me to accompany Mr. McLean to Taranaki, I immediately prepared for the journey, and a few hours after that gentleman arrived at my house we were on our way. I first, however, dispatched a messenger with a letter to the Chief Haupokia Te Pakaru, wishing him to follow me as soon as possible, as I believed that his presence and influence at Taranaki would in the present state of affairs be most beneficial.

We arrived at New Plymouth on Tuesday the 30th ult., and in passing through the suburbs of the town endeavoured to see and converse with all the Natives we could meet with. The next day, accompanied by the Rev. Mr. Turton, we visited the settlements, and had a long conversation with the Natives of Mangoraka, who are stated to have been the most dissatisfied and troublesome. On Thursday I was glad to hear that Haupokia had arrived at Waitara, and I arranged to spend the next day in private and friendly conversation with the different parties of Natives at their respective settlements. At dawn of day, however, the Governor's ship appeared in sight, and leaving Mr. McLean to arrange with the resident Natives, I rode off with Mr. Turton to bring up Haupokia from Waitara and the other Natives from their different localities. Some objected to go at all to meet his Excellency, and others were for putting it off until after the Sabbath on account of food. On arriving at Waitara, however, and requesting Haupokia to attend at once, he instantly complied, and his example influenced all the rest, so that on Saturday morning we had the satisfaction of seeing all the Natives present before his Excellency.

The state of the Taranaki case requires our most serious and deliberate consideration, and in order to assist you in the difficult task of arranging the different and clashing interests of all parties, I have ventured to submit to your consideration the accompanying rough plan of schedules, the careful filling up of which would, I think, very materially simplify the business.

[*Schedules above referred to.*]

I. TARANAKI.—SCHEDULE OF PERSONS WHO SOLD TO THE COMPANY AND RECEIVED SOME PORTION OF PAYMENT, WITH A LIST OF THEIR LANDS SO SOLD.

Village or Residence.	Tribe or Hapu.	Names.				Name of land claimed and sold to Company.	Boundaries.				Quantity (supposed) in acres.	Goods or cash received in payment by each claimant respectively.
		Men.	Women.	Boys.	Girls.		E.	W.	N.	S.		

II. TARANAKI.—SCHEDULE OF RESIDENT NATIVES WHO HAVE NOT SOLD THEIR LANDS.

Village or Residence.	Tribe or Hapu.	Names.				Name of the land claimed.	Boundaries.				Quantity (supposed) in acres.	If willing to sell, what amount of payment required.
		Men.	Women.	Boys.	Girls.		E.	W.	N.	S.		

III. TARANAKI.—SCHEDULE OF ABSENTEES.

Kainga where now residing.	Tribe with whom residing.	District.	Names.				Name of former residence.	Name of land claimed.	Probable number of acres.	If willing to sell, what amount of payment.
			Men.	Women.	Boys.	Girls.				

[*Not before published.*]

XIII.—EXTRACT from Mr. PROTECTOR T. S. FORSAITH'S REPORT to GOVERNOR FITZROY, dated Taranaki, October 22, 1844.

Again the Taranaki captives, released by the Waikatos from the purest and best of motives, have assumed a position of importance which can hardly be tolerated by these powerful Chiefs, their former masters; and, in some instances, the emancipists have so far forgotten their obligation and the respect due to their former conquerors as to ridicule the poverty and destitution of their present circumstances. I mention these circumstances because they afford a key to the interpretation of the sentiments of the Kawhia and Ngatimaniapoto Chiefs, which were formally conveyed to me on the eve of my departure, and which appear to me to involve principles bearing an important relation to the Taranaki land question, the successful settlement of which is so great a desideratum, and which your Excellency is now endeavouring to effect. I shall give these sentiments as nearly as possible in the same words in which they were delivered to me by the Chiefs, without comment; conscious that your Excellency alone can determine how far the principles they involve can be prudently brought forward in aid of the settlement of this intricate question.

"You are now going to Taranaki; listen to our parting words. That land is ours. We claim it by right of conquest, and some part of it by possession. We have power to enforce our claim if we choose, but our inclination is for peace, not war. The Governor who is dead [Hobson] professed to buy the interests of the Waikatos in the lands of Taranaki, and paid Te Wherowhero for them. Te Wherowhero had a perfect right to sell his own or his tribe's interest, but not ours; he was not the principal man in subjugating Taranaki, many were before him; we do not recognize his sale; we might insist on our right to a payment equal to Te Wherowhero, but we are not so very anxious about that; we want Europeans. You have told us that the Governor will do all in his power to send them to us: now we will wait a reasonable time: if they come, well; if not, we must go to them. We hold the late Governor's permission to locate any of the lands at Taranaki, provided we do not go south of Urenui. We sent the present occupants of Taranaki home to the land of their fathers; we did so from the influence of Christian principles, but we did not send them back to assume the airs of superiority they have done, or to molest the Europeans. They have Europeans, but do not know how to treat them; we, who would treat them well, cannot get them. We are therefore determined, in the event of no Europeans coming to us, to go back and resume our rights. We shall not go in hostile mood, though we shall go prepared to resist opposition. If kindly received and treated with respect by our former captives, we shall simply arrange for our joint occupation of the land; but on the contrary, if opposed, we shall take the matter into our own hands, and settle their disputes with the Europeans in our own way. Go and tell the Ngatiawa (Taranaki Natives) that the Waikato Chiefs remind them that the land is theirs, and advise them to settle their dispute with the Europeans, or the Waikatos will settle it for them."

[*Not before published.*]

XIV.—EXTRACT from REPORT of Mr. PROTECTOR T. S. FORSAITH to the CHIEF PROTECTOR, dated Taranaki, November 23, 1844.

With reference to the present position of the land question, the settlement of which has engaged our anxious attention, I must not anticipate the full and particular report which it will be the object of Mr. McLean, as Protector for the District, to supply, but content myself with transmitting the enclosed copy of some suggestions which were drawn up and laid before his Excellency, founded upon the careful deliberations of Mr. McLean, myself, and the Rev. J. Whiteley, whose deep anxiety for the amicable termination of this dispute induced him at considerable personal sacrifice to travel hither from Kawhia in order to assist in its adjustment by his influence, which, as you are well aware, is very great over the Natives of this district.

These suggestions have been so far approved by his Excellency that his decision has been based upon the general principles they embody; the modifications required in their practical application to the existing dispute will be doubtless made fully apparent in the more detailed report of Mr. McLean.

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EXTRACT from PROPOSALS above mentioned, dated Taranaki, November 1844.

There is no immediate prospect of obtaining the unanimous consent of the Natives to relinquish their claims on all the land claimed by the Company in this district; it is doubtful, also, whether they will consent to alienate all the land in the present occupation of settlers; and further, as it is quite possible that the Natives, through ignorance or cupidity, may reject the reasonable proposals of H. M.'s Government, even for such lands in the district as they might be induced to alienate, the following suggestions are submitted to his Excellency the Governor as the best apparent mode (should the Natives assume the position supposed) of averting the necessity of abandoning the settlement, an alternative as much to be deprecated on account of the injury it would inflict on the unconscious Natives themselves, as the ruin in which it would involve so many Europeans.

1. Let a block of land be marked out, bounded on the South by the Sugar Loaves, and on the North by the Waiwakaiho river, running back as far as the Company's surveys have been extended, or still further inland, if mutually agreeable, which would comprise an area of 7,150 acres. This block, which is principally claimed by those Natives who are best disposed towards the Europeans, will be found (it is imagined) amply sufficient for all the wants of the present settlers for a considerable time to come.

2. Let a definite sum be fixed as a fair and equitable price for this block, at a certain rate per acre, from which deduct the amount of payment any of the present claimants may have received from the Company, the unpaid resident Natives receiving their proportionate shares, and the residue lodged in trust for the absentees, who should have notice that unless their claims were preferred and substantiated within a given period (say twelve months), they would be considered forfeited. Such award should be final and absolute.

3. Let it be proclaimed that settlers within these limits should be protected, that as they would be amenable to the law for any injury they may inflict upon the Natives, so they (the Natives) will be punished for any breach of the peace towards the settlers, and that the means of punishment are at hand.

4. Let it also be proclaimed that the settlers beyond the limits of the specified block would be protected in their present possessions for months, during which period they should select within those limits land in lieu of that to be relinquished: that at the expiration of the term these settlers would remove with all their effects, that the Natives should offer them no molestation in so doing, nor annoy them or their families during the interval.

5. Supposing this plan to be adopted, a difficulty may arise relative to the Native Reserves. The block of land proposed to be purchased is computed to contain 7,150 acres. The total number of acres occupied by settlers in the whole district is 2,800; 1,600 within and 1,200 without the limits of the block. Therefore, supposing all the Europeans moved on to this block, there would still remain a surplus of 4,350 acres, out of which the reserves could be selected: or if this plan should be found inconvenient, the rule of reserving a tenth might be abandoned, and separate blocks marked out for the use of those Natives who were parties to the sale, and who reside or are in the habit of cultivating within the prescribed limits.

[*Not before published.*]

XV.—OFFICIAL ACCOUNT of GOVERNOR FITZROY'S VISIT to TARANAKI.

(*Translation.*)

On the 19th day of August, the Governor returned from Taranaki; the cause of his going there, was the quarrels of the Maories and Pakehas about the places of the Maories which had not been quite settled for.

We arrived at Taranaki on the 2nd August, and on the third day the Maories assembled to hear the talk of the Governor. A meeting was held, and the Maories and Pakehas all attended. (There were probably 200 Maories and 80 Pakehas). The Governor commenced to speak; he said:—

"My friends, the Maories of this island of New Zealand, I am glad that we have met together here. I hear that the Maories and Pakehas of this place were disputing, and I came at once to make peace. Hearken you: If a Maori behaves ill towards a Pakeha, or a Pakeha towards a Maori, it pains my heart. I have no wish to fight. I have one great work to do, it is this. I will not permit one man to behave ill to another. If I wished to bring many ships and many soldiers, I could do so: but as I do not desire war, I have but one vessel. I came from the other end of the world to assist your instructors, and to raise the Maori people.

"I have many friends among the Native Chiefs, and had I spoken a word of war they would have come to assist me: but I considered that the Maories were an intelligent people, who would listen to the words of their friends.

"My heart was very dark when I heard that you were in trouble about your lands. Some portions were rightly purchased, and some wrongly. It was not that the Pakehas wished to act dishonestly, it was through mistake. The men who owned the land did not consent to sell their portions; I will seek for some plan (some way of settling the matter). But, remember you, not one of the Rangatiras of the Queen of England will consent to a man acting dishonestly, and if he consented that the land of a Maori should be taken, the payment for which had not been completed, that would be a theft. If I consented to take for nothing your lands, I should be like a thief. I did not come to New Zealand to steal.

"If some of my Pakehas want places, there are many Chiefs who desire to sell to the Pakehas. Many Chiefs have come to me and asked me to let them have Pakehas: as I came away Taraia, Te

Kawau, Weteri, and his son Putini, were urging to have their places sold to the Pakehas: and Weter insisted upon selling the whole of one part of his land, but I did not consent. If I agreed to your selling the whole of your land, it would soon be all gone. I do not approve of that. Some of the Islands in the sea have been taken possession of by the Pakehas of foreign nations. They had no consideration for the Natives of those Islands, they killed the men, and took the land. But England will not act in this way.

"The Pakehas you see here, who came from England, did not know that some of the places they occupied had not been quite settled for (paid for). The fault is not theirs, they fairly purchased. The fault was with those who sent them here. Now, my work is this, to carefully settle the question about the land, and I will arrange it thus. I will not consent to the Pakehas being expelled, but the matter must be left with me. I will not agree to your molesting the Pakehas, nor will I agree to the Pakehas molesting you.

"I will insist upon quiet being maintained. If you do not listen, I will bring soldiers, that quiet may be kept. In my opinion it is not just, if a man carried off by a war party as a slave, when he returns from slavery, finds his place gone, or his house, or anything else. No, if we were at war with any other nation, and I was taken as a slave, and afterwards liberated; if, when I returned to my place, I should find that my place had been sold, what would my thoughts be; would I consent? Not at all.

"I heard of your dispute with the Pakehas, and I assembled the gentlemen who deliberated with me, we talked together, and when it was ended, I then came away. I now say to you, I will not consent to the Pakehas who have settled upon the place being expelled. It will be arranged by me. I will search for the parties who did not see the place sold.

"Mr. McLean, who has come here as a protector for you, will write down the names of those who have not received any payment, and of the persons who did not witness the selling of the place; when that is done I will come back again to settle this dispute; and if you will not consent to the Pakehas remaining, I will give them some other part. You have heard that there are many chiefs who desire to sell their land to the Pakehas; but, do not you molest the Pakehas who are residing upon your lands. If you remain quiet I shall be pleased with you, and will tell the Pakehas to keep quiet. Do to others as you would have others do to you. If we abide by this, we shall live in peace."

When the Governor had ended, one of the Maories arose, some of his talk was good and some was bad; when he had finished, Te Waka arose: all his talk was good; he concluded, and Te Pakaru, one of the Waikato Chiefs stood up. His talk was good, all good. Mr. Whiteley then stood up, and spoke his good words. Enough, it was ended, and the men departed. Here also is some more of what was said to the men of that part of Taranaki.

"Listen men of Taranaki residing in other places, and among other tribes. This is the Governor's speech to you respecting your lands at Taranaki; he says, he will not allow your lands to be taken away unjustly either by Europeans or Natives. The Ngatiawa did not behave rightly. When the Europeans went to Taranaki to buy land, they found only a few people there, consequently they thought that these men were the only proprietors of the land, they did not know that the greater number were absent. The few who were living there sold all the land of those were absent, and when the absentees arrived they found Europeans settled on their lands, which has caused great annoyance both to Europeans and Natives. On this account the Governor says, it is not a good purchase, and that he will not agree to the parts thus illegally sold.

"Now this is the Governor's opinion, that all the Natives of Taranaki should go to their teachers, or to their Protector of the district who lives among them, and state the names of their places, and the Protector will write down the names of the owners and their estate, whether belonging to man, or woman, or child. And if such owner agrees to sell his place on reasonable terms, it will be purchased, and he will receive payment. Men of Taranaki make haste and go to your Protectors.

"Men of Taranaki who reside on the spot, you have seen the Governor and you have heard his opinion. His plan is a good one, one that you must all accede to. He says that some of the land was not fairly purchased; but some of you are to blame; that is, those of you who were here and sold the land to the Europeans. You sold it, and named the boundaries, but you did not point out what was yours only. You did not think of your friends or relations who were absent, but included their estates as well. By which means you misled the Europeans; they thought you were the only proprietors; they imagined also that you sold both along the coast *and inland*.

"Mr. McLean has been left by the Governor as a Protector for you, he will arrange about your lands. Be kind to him, and attentive to what he says; and point out your respective possessions correctly. Do not quarrel; do not say 'all this is mine, all that belongs to me,'—but mark it out quietly, and do not encroach on any other person's possession, but let every man point out his own. Do you ask why we are thus to take down the names of your places? It is to prevent future mistakes. You have heard that no land will be taken unjustly. If you sell it to the Europeans, well; but you must be careful each to sell his own property, and then he will receive the payment himself.

"You must not, however, form erroneous opinions respecting the payment. What is it that makes land valuable? It is labour. Without the labour what is the worth of land? It is worthless; now, if your lands were in a state of cultivation when you sold them, or if you were to work constantly on the land when sold, then you might expect a large payment. But the Europeans do all this, they work and cultivate their lands. All that you have to do is merely to part with your right to it, therefore you must not expect a large payment. It is different when Europeans deal with Europeans, then the payment is great, but you must not suppose that it is all for the land; in addition to the price of the land it is for bringing out labourers, and tools, and seeds, and cattle, in ships; for making roads, and bridges, and surveys, and many other things; the payment for the land only is very small. If you

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had anything to do with these works which makes land useful, *you* might ask a high price; but as I said before, you have nothing to do but to sell it, and therefore cannot expect a large payment. Leave it entirely with the Governor and he will agree upon the best plan, and give you what is right and just.

"You talk about turning off the Europeans who are occupying land not properly sold; very well, they can easily be removed. There is plenty of land elsewhere for them, but mind you do not wrong yourselves. If they remove and buy land of other Chiefs, you will sink into insignificance and others become exalted. Why do you wish to remove them? Is it for want of land? No, there is enough for you and them. You had better live together in peace, selling the portions you do not want to the Europeans. It is from having Europeans among you that you have been so much improved, and if the Europeans were to go, you would fall back into your former state of poverty. If the English were to leave this Island the French would very soon take it, and their proceedings are very bad. Look at what they have done at Tahiti, they have taken their lands for nothing, and killed hundreds of the inhabitants, and if the English were to leave you, the French would serve you the same. But it is different with the English, our thoughts are good, and your lands will be equitably bought. The Governor is kind to you and is doing all he can for your good.

"Remember the words of God in the 17th Chapter of the Acts of the Apostles, 'And hath made of one blood all nations of men, for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitations.' Now, when man was created, God said, 'Be fruitful and multiply and replenish the earth.' When will this land be filled by you? If it had been filled by you, Providence would not have allowed other nations to settle among you. Thousands of years have passed and your land is not yet filled. It was filled indeed formerly—filled with evil and covered with blood, therefore Providence hath sent a nation to mix with and live among you, to dwell on the face of the earth, to teach and improve you. Providence has also set a bound to their habitation. We are all of one blood, we have all one common Father, and it was our nation that brought you the Gospel and taught you to live in peace, and it is the English who would raise you in the scale of being. Therefore, why do you wish to turn them away? Rather be kind to them, and consider England as your parent, and the English as your friends and relations.

"Remember also those of your own people who were taken captive to Waikato and have not returned: let their estates remain quiet, let no man interfere with them, so that when they return they may occupy if they choose, or sell them to the Europeans.

"One more word and I have done. Look to the 6th of Romans, 'The wages of sin is death.' Now take care you do not seek death by doing wrong; remember it is said, 'Be sure your sin will find you out,' and the Governor has told you that he has power to punish offences. Therefore, I say, live peaceably with the Europeans, and let your actions all be just, that we be not afraid of the judgment day."

[*Published in the "Maori Messenger" for September* 1844.]

XVI.—EXTRACT from MEMORANDUM by GOVERNOR FITZROY, dated December 2, 1844.]

At this time all the families of the Ngatiawa tribe, one of the largest in New Zealand, were scattered along the coast between Otaki, Porirua and Petoni, or on the northern shores of the Middle Island, or were in captivity among the Waikato, who had lately invaded and desolated the Taranaki and Waitara country; and these beautiful districts, excelling in soil, climate, abundance of wood and water, level country, and the best flax (tihore), were temporarily depopulated. But although they were thus almost without inhabitants at the time of the Company's supposed purchase of the whole country near Taranaki and the Waitara, they were neither wholly deserted nor permanently abandoned, as the presence of a small remnant of the Ngatiawa tribe at Ngamotu proves.

These districts were not occupied or settled in any way by the Waikato, who merely overran them, and then immediately retired to their own country, without cultivating the soil or constructing dwellings. Nevertheless, as the Waikato claimed to be the conquerors of the Waitara and Taranaki country, and were not only nearer at hand, but much more formidable than the dispersed Ngatiawa, it was thought advisable to make a considerable payment to the principal chief of that powerful tribe in consideration of his claim on behalf of the Waikato generally.

At the time of the desolating invasion above mentioned, by far the greater number of the Ngatiawa, with their principal men, were absent on a hostile excursion on the South. Those who suffered by death or captivity were an inferior minority. * * *

Mr. Spain's award was made known in the middle of June, and on the 3rd of August a large meeting of English and Natives were assembled at New Plymouth to hear the final decision.

The Governor informed the assembly that he did not take the same view of the question as Mr. Commissioner Spain, and that he should not confirm the award of that gentleman, however carefully and conscientiously it had been weighed and delivered. On points of law, especially the law of New Zealand, considered with reference to national laws in general, authorities might differ without prejudice to the opinion of either, but it was for him, the Governor, to decide. He would immediately cause further investigation to be made, as to the various claimants to particular portions of land. He would then endeavour to make special arrangements with those claimants, and he would allow, in all their integrity, the claims of those of the Ngatiawa tribe who were not parties to the sale in 1840.

[*In Sess. Pap. Gen. Assembly,* 1860, *E. No.* 2.]

XVII.—EXTRACT from REPORT of Mr. PROTECTOR KEMP to the SUPERINTENDENT of the SOUTHERN DIVISION, dated Wellington, September 17, 1845.

I beg to hand you the translation of a letter from some of the Chiefs living at Waikanae, (the Ngatiawa). You will perceive that a portion of them are desirous of returning to Taranaki, and propose to sell the lands they respectively hold. As I do not anticipate any negotiation of this kind with the Government, I shall refrain from entering fully on this subject further than by remarking that the claim appears to be of a doubtful character: that the whole of the tribe have not yet consented to remove, as it is uncertain whether the Ngatimaniapoto at Waikato will allow them to resume the territories they were many years ago obliged to surrender: and lastly but particularly, Iwas desiredby Te Rauparaha not to recommend their claim as valid.

H. T. KEMP,
Protector Aborigines.

LETTERS from WILLIAM KING and other NGATIAWA CHIEFS to the SUPERINTENDENT of the SOUTHERN DIVISION.

Waikanae, September 2, 1845.

Friends Mr. Kemp, Major Richmond, and Colonel Wakefield. We are going to our place, Waitara. We are thinking of selling our place, Waikanae; we wish to sell this place; and if it be sold (bought) I, William King, shall, some time in October, go to take my father Reretawhangawhanga to Waitara. If it be calm in October; but if October is not calm enough, then in November. If you are agreed to these thoughts, hasten that I may hear the decision.

From WIREMU KINGI WITI.

Letter from HEKE.

Mr. Kemp and Major Richmond. Come here and look at our place; we wish to sell our place Waikanae, lest any man should say he will sell it, and that we have no place to sell to you Europeans. Come and buy our place.

From HEKE.

Letter from RERETAWHANGAWHANGA and other Chiefs.

Friend, Major Richmond,—I have now begun to consider for the people. All their words are agreed in the same thought to sell the land (Waikanae) in order that when we leave our land shall have been paid for by Major Richmond. Do not say this is false; our desire to you is true, we wish to sell Waikanae.

From KATE TAKERE,
WATA TE HERE,
MAUNGARAKA HURIWARE,
PATUKAWENGA TE NGOHI,
RERETAWANGAWANGA.

Minutes on preceding Letters.

From Native Chiefs of the Ngatiawa tribe living at Waikanae. They state that they are desirous of returning to Waitara near Taranaki, and offer for sale the portions of land they respectively hold at Waikanae. The claim appears to be of doubtful character; indeed the whole subject is involved in difficulties of a serious nature, allusion to which has been made in my report of 17th September. I cannot recommend it to your Honour's consideration further than by suggesting that it would be desirable to persuade the Ngatiawa to remain where they are, as they form a wholesome check to any hostile proceedings against the settlers on the part of Ngatitoa.

H. T. KEMP,
Protector Aborigines.

September 13, 1845.

Inform the Natives that their letter will be forwarded to his Excellency the Governor, but I do not think it probable that he will purchase their land at Waikanae, and I advise them to remain there instead of removing to Taranaki.

September 22, 1845. M. RICHMOND.

Read, R. F., October 30, 1845.

[*Not before published.*]

XVIII.—EXTRACT of DESPATCH from the Right Hon. W. E. GLADSTONE to GOVERNOR SIR GEORGE GREY, July 2, 1849.

I cannot but express my great surprise and regret at not having been placed by Captain FitzRoy in possession of a full report of the course which he pursued in this case, and of his reasons for that course. I, however, indulge the hope that you may have found yourself in a condition to give effect to the award of Mr. Spain in the case of the Company's claims at New Plymouth; and, in any case, I

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rely on your endeavours to gain that end so far as you may have found it practicable, unless, indeed, which I can hardly think probable, you may have seen reason to believe that the reversal of the Commissioner's judgment was a wise and just measure.

W. E. GLADSTONE.

[*In Sess. Pap. Gen. Assembly, E. No.* 2, 1860.]

XIX.—EXTRACTS of DESPATCH from GOVERNOR SIR GEORGE GREY to SECRETARY OF STATE, dated New Plymouth, March 2, 1847.

In the course of yesterday and this day I have had interviews with several bodies of Natives upon the subject of the claims of European subjects of Her Majesty to various tracts of land in this district, and I regret to state that the majority of these interviews have been of the most unsatisfactory nature.

It will be in your Lordship's recollection that Mr. Commissioner Spain, who was specially appointed in England for the purpose of investigating claims to land in New Zealand, after minute inquiries made upon the spot, decided that a tract of 60,000 acres of land had been purchased at Taranaki, in a *bonâ fide* manner, for the use of British subjects. Subsequently to this decision of the Commissioner, my predecessor thought proper to set aside the award that had been made, because (as I understand his decision) the claims of certain absentee Native proprietors had not been extinguished at the time the original payment was made.

My predecessor entered, upon this account, as I believe, into a new arrangement, by which a block of about only 3,500 acres was immediately secured to the Europeans. But I do not understand, nor can I think, that he intended that the original purchase should be set aside, in as far as those Natives were concerned who had originally sold their land in a *bonâ fide* manner, and received payment for it. To my surprise, however, yesterday some of the Natives, who were the parties to the original sale, and who had been amply paid for the land they had disposed of, informed me that they intended to stand by my predecessor's arrangement, and to repudiate the first transaction, and that they would neither permit the Europeans to occupy the land they had sold them, nor would they even do so upon receiving another payment; but they insisted upon the Europeans confining themselves to the block of 3,500 acres.

In the same manner the majority of the Natives whom I have seen to-day (none of whom were parties to the original sales, but were principally the inhabitants of Waikanae and the country in its vicinity) stated, in the first instance, that they would not, upon any terms, permit the Europeans to move beyond the block of 3,500 acres. And, upon my pointing out that they were actual occupants of large tracts of land along Cook's Straits, that they did not use any land in the neighbourhood of Taranaki, and that they could not remain here upon account of their enemies, if it were not for the presence of the Europeans, they stated that some of them intended to come and live here themselves, and that they had plenty of Europeans here. I then pointed out to them that the great majority of them had not, until recently, advanced any claim to this land, although they were quite aware that the Europeans intended to purchase it (which they had even recommended them to do), as also that the Europeans had eventually bought it and occupied it; after which they had opened up the country by roads, built houses, cultivated lands, &c., and spent large sums in the improvement of the district; and that, when this had all been done, the Natives put forward their claims, and turned the Europeans off. They merely replied, that it was their land, and they would do as they thought proper with it.

Since that time, various individuals of the Ngatiawa tribe (which is a very numerous tribe), anxious to share in the expected payment, have been locating themselves temporarily at Taranaki; and every separate family of the tribe has been sending up some persons to look after their interests. These individuals have been quarrelling amongst themselves regarding their respective claims; and in order that there might be much to pay for, have prevented the Europeans occupying any additional land, although many hundred thousand acres of the richest soil are lying perfectly neglected and useless, whilst many European families have been left in comparative want. Indeed, the inability of the Natives to adjust their respective claims, now makes them unwilling to allow the land to be sold at all, and they constantly assert that those Natives who wish to sell land have no right to dispose of it.

Upon taking a review of the whole of these circumstances, together with our isolated and weak position in this portion of New Zealand, the only arrangement I thought could be advantageously made was, to acquaint the Natives that I should order, in the first place, that the most ample reserves for their present and future wants should be marked off for the resident Natives, as well as for those who were likely to return to Taranaki; but that the remaining portion of the country in that district should be resumed for the Crown, and for the use of the Europeans; that, in the fulfilment of the promises made by my predecessor, the value of the resumed land, in its wild and defenceless state, should be assessed by a Commissioner, and that a Court should be then appointed to inquire into the Native titles to the whole, or portions, of the district so resumed; and that those Natives who established valid claims to any parts of it should receive the corresponding portions of the payment to which they would become entitled.

But very few of the Natives seemed disposed to assent to this arrangement; but they distinctly understood that it was my intention to enforce it. I trust that it may meet with your Lordship's approval, as the best which could, under circumstances of such difficulty, be made, and as one which,

whilst it ensures the interests of Her Majesty's European subjects, inflicts no injury on Her Majesty's subjects of the Native race; although I fear that these latter, now that their cupidity has been so strongly excited, may, if they think they are strong enough, endeavour to resist it by force of arms.

I have, &c.

The Right Hon. Earl Grey. G. GREY.

[*In Parl. Pap., December* 1847, *p.* 2.]

P.S.—I have the satisfaction of being able to state to your Lordship that, since writing the foregoing despatch, I have ascertained that the whole of the Ngatiawa tribe, with the exception of one family of it, named Puketapu, have assented to the arrangement detailed in this despatch, and that several European settlers have already been put in possession of their lands. I have now every hope that the Puketapu family will shortly follow the example of the rest of the tribe. I think that a consideration of their own interests will lead them to take this step; but should they adopt any hostile proceedings against the settlers, their influence is so trifling that they cannot cause any great amount of mischief, although certainly they may occasion great expense and trouble to the Government. I will, in the meantime, take care that every precaution for the protection of the settlers is adopted.

G. G.

[*In Sess. Pap. Gen. Assembly*, 1860, *E. No.* 2.]

XX.—INSTRUCTIONS from GOVERNOR SIR GEORGE GREY to COMMISSIONER MCLEAN, dated March 5, 1847.

March 5, 1847.

1. Mr. Commissioner Spain reported, that the New Zealand Company were entitled to a Crown grant of a block of 60,000 acres, lying within certain defined limits.

2. The Governor (Captain Fitzroy) did not take the same view of the question as Mr. Spain, and would not confirm that gentleman's award; on the contrary, in November 1844, he sanctioned a totally new purchase of a small block of land, of 3,500 acres, by the Agent of the New Zealand Company, and he made certain promises to the Natives, which have induced many of them to return to lands, which they state they understood Captain Fitzroy to guarantee to them in permanent possession; on these lands they have now extensive pahs and cultivations included in the block awarded by Mr. Spain.

3. Thus, on the one hand, the New Zealand Company claim the rights (if any) which they may have acquired under Mr. Spain's award; while, on the other hand, the Natives claim the disallowance of that award by the Governor, the rights which the late Governor promised to maintain to them in all their integrity, and the fact of their present occupation of the land under the sanction of the Governor.

4. It is proposed to evade, in as far as practicable, the various difficulties which have arisen under these conflicting circumstances, by in the first place reserving to the several tribes who claim land in this district, tracts which will amply suffice for their present and future wants; and 2ndly, resuming the remaining portion of the district for the European population, and when the extent of the land so resumed has been ascertained, to determine what price shall be paid to the Natives for it; this amount not to be paid at once, but by annual instalments extending over a period of three or four years; at the end of which time it may be calculated that the lands reserved for the Natives will have become so valuable as to yield them some income, in addition to the produce raised from those portions of them which they cultivate.

5. Every effort should be made to acquire for the European population those tracts of land which were awarded to the New Zealand Company by Mr. Spain; and where blocks are reserved for the Natives within these limits, portions of land of equal extent (greater, if possible) must be purchased without the limits for the New Zealand Company.

6. If possible, the total amount of land resumed for the Europeans should be from 60,000 to 70,000 acres; a grant of this tract of land will then be offered by the Government to the Company.

7. The price paid for any portion of land should not, under any circumstances, exceed 1*s.* 6*d.* per acre, and the average price should be below this amount. The greatest economy on this subject is necessary.

8. No time should be lost in completing these arrangements.

9. Two surveyors and parties, upon the most economical scale, must be engaged for this purpose. The police should, in as far as practicable, be employed on it.

10. This arrangement should be carried out, in the first instance, with those parties who have given their assent to it, including the Natives who have offered a tract of land for sale to the South of the Sugar Loaves.

11. Where land without the block awarded by Mr. Spain is now acquired, and required for immediate use by the Company's settlers, sections must be surveyed for them.

12. Those Natives who refuse to assent to this arrangement must distinctly understand that the Government do not admit they are the true owners of the land they have recently thought proper to occupy.

13. Mr. McLean is intrusted with the conduct of these arrangements, but in all matters of importance he must consult with Captain King, and acquaint him with the steps which he proposes to take.

14. In reserving the blocks intended for the Natives, the surveyed lines of the Company should, in as far as practicable, be observed; but, whenever there is a necessity for a departure from this course, the line must be run as Mr. McLean thinks proper.

G. GREY.

[*In Parl. Pap., Dec.* 1847, *p.* 13.]

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XXI.—EXTRACTS from LETTERS of GOVERNOR SIR GEORGE GREY.

Government House, Auckland,
April 27, 1847.

I received last night a letter from Major Richmond informing me that the Natives at Petoni Pah were engaged in putting together nine large canoes, capable of holding for a long passage about 60 persons each.

I consider it to be a matter of the utmost importance for the protection of the isolated settlement of Taranaki and its undefended settlers, that the Ngatiawa tribe should not be allowed to proceed for the present to that place. * * My own opinion also is, that these canoes are not intended solely for the conveyance of E. Puni's own tribe; they are capable of conveying about 540 persons, whereas E. Puni's tribe consists of but 200 souls, including men, women, and children. I believe that they will be moved out of the harbour one by one, as opportunity may offer, to other places inhabited by the Ngatiawa tribe. * * I should, therefore, feel much obliged to you, if you, in conjunction with Major Richmond, would require E. Puni to dismantle these canoes in such a manner that they may be rendered unfit for the voyage to Taranaki; at the same time, injuring the canoes themselves as little as possible; in fact, the best plan would perhaps be to require him to take them to pieces again. If E. Puni should refuse to comply with the wishes of the Government in this respect, my opinion is that if his conduct is such as to afford reasonable grounds of suspicion, the canoes should be seized by the Government, and either be retained in their possession, until the land question at Taranaki is settled, or that they should be destroyed, as may be thought most advisable; and E. Puni should be distinctly warned that these consequences will follow, from his refusing to comply with the request of the Government.

G. GREY.

Lieut.-Colonel McCleverty,
&c. &c. &c.,
Wellington.

Government House, Auckland,
April 27, 1847.

In reference to a letter you addressed to the Colonial Secretary on the 19th inst., on the subject of nine large canoes which were being put together by E Puni's people in his Pa, I have the honour to enclose a letter, which I have this day addressed to Lieut.-Colonel McCleverty upon this subject, which after having perused, you will be good enough to deliver to him: I have also to request that you will consider that letter as addressed jointly to yourself and Lieut.-Colonel McCleverty, and that you will take such steps with regard to the subjects adverted to in it, as may appear to you necessary.

G. GREY.

His Honour the Superintendent,
Wellington.

Government House, Auckland,
April 30, 1847.

The Senior Naval Officer on this station, having been good enough to direct Captain Stanley to communicate frequently with our settlements at Wanganui and Waikanae, more particularly the latter place, both for the purpose of watching the movements of Rangihaeata, and preventing armed canoes going to the North, and having further requested Captain Stanley to proceed in the "Calliope" to Kapiti, making that place his principal rendezvous; it will be your duty to give the requisite orders for securing to Captain Stanley the greatest facility for speedy communication with Wellington from Waikanae by means of the Police Station at the latter place and at Poirura, and I shall feel much obliged to you if you would also request Lieut.-Colonel McCleverty to give all the assistance in his power to promote this most desirable object.

G. GREY.

His Honour the Superintendent,
Southern Division.

[*Not before published.*]

XXII.—EXTRACT of a LETTER from the SUPERINTENDENT of the SOUTHERN DIVISION to CAPT. LAYE, 58th Regt., commanding at Wanganui.

April 28, 1847.

Enclosed is a description of several routes, by which the Ngatiawas can go inland from Waikanae to Taranaki, which I have forwarded for your information. I expect to receive further intelligence on the subject.

M. RICHMOND.

The Road by which the Ngatiawa of the North shore of Cook's Straits may reach Waitara, without meeting any party of Military but such as may be stationed at Waikanae, is the path through the Ngatimaru district.

From Waitara to Ngatimaru there are three paths, one by Huirangi and the ancient pa of Pukerangiora, nearly impracticable in winter, from the depth and rapidity of the Manganui, a large tributary of the Waitara, which must be forded. A second—and according to the Natives, the best—commencing nearly opposite to the Mamaku pa; and a third turns inland north of Waitara at Taniwa. By either of these lines the river Wanganui may be reached from New Plymouth in two days, the distance according to the Rev. R. Taylor being only thirty miles from the point in the

Ngatimaru country, when the Waitara is left, to Taungaraka on the Wanganui, one day's journey inland of Petre.

To avail themselves of this road the Ngatiawa will require some assistance and canoes from the Natives of Wanganui, and an inland path by the Wangaihu, by which they may avoid the Garrison at Petre. Their grand objection to it would be the loss of their own canoes. Taungaraka once passed, they may reach the strong old pa of Manukorihi on the Waitara without meeting a soldier.

[*Not before published.*]

XXIII.—EXTRACT from LETTER of the SUPERINTENDENT of SOUTHERN DIVISION to GOVERNOR SIR GEORGE GREY, dated July 26, 1847.

Wellington, July 26, 1847.

When I was up the coast last week I was met at Waikanae by a large concourse of the Ngatiawa tribe, including William King, and many of the most influential chiefs, to whom I made known your Excellency's views relative to their meditated move to Taranaki, and was much gratified to find that no disposition existed on their part to act in opposition to them; their demeanour was quiet, respectful, and exhibited no symptom of annoyance with, or resistance to, the Government. William King stated that, although they were still bent upon going to that district, yet they repudiated the idea of doing so by stealth, or before consulting with the Governor, and learning the time he would permit of their removal; adding, that the Ngatiawa tribe had always been friendly to the Europeans, and it was their desire to continue on the same amicable terms they have hitherto been. I, however, much incline to the opinion that the immigration, if it ever takes place, will be very partial; probably merely William King and his followers, as I found many indifferent and some altogether averse to leaving Waikanae. At Queen Charlotte's Sound also, it appears the principal chief, Ropata, has not yet given his consent, and, in this neighbourhood, the Ngatiawas are cultivating as usual, and now show no symptom of moving. William King, on behalf of those at Waikanae, urged strongly the purchase by Government of the district; and when I mentioned that I did not think your Excellency contemplated making further purchases of land at present, they evinced the utmost anxiety (engendered no doubt by the scarcely concealed intention of the Ngatitoa tribe to take possession of the land when they leave it) that a promise should be given, if the Government did not wish to obtain the district when the time was decided upon for their departure, that they should be the parties negotiated with, and to whom the purchase money should be paid, whenever it was considered expedient to acquire the land.

M. RICHMOND.

[*In Sess. Pap., Gen. Assembly*, 1860, *E. No.* 2.]

XXIV.—MEMORANDUM of an ARRANGEMENT proposed to be entered into with the NATIVE LAND CLAIMANTS in the TARANAKI DISTRICT.

It is proposed that the whole of the Natives having claims to land lying between Ngamotu and the Waitara (with the exception of the Puketapu Natives now resident within this block), should, if possible, be induced to abandon their claims without further inquiry, and to locate themselves on the north bank of the Waitara.

These Natives may be divided into two classes:—

These now resident on the south bank of the Waitara.

Those who are shortly expected to arrive here from the southward.

It is proposed that the first of the above classes should be induced to agree to abandon their present cultivations within a period of three years, and then to remove to the north bank of the Waitara, if they remain within the district.

The second class should be induced to proceed at once to the north bank of the Waitara, there to locate themselves on such sites as they may select,—relinquishing all pretensions to any lands to the south of that river.

This arrangement is regarded as one in every respect so likely to promote the future peace and prosperity of the country, that the Government, in order to induce the Natives to accede to it, will offer the following advantages to them:—

It will, without further inquiry, admit the claims of the parties acceding to this arrangement, to the lands lying immediately to the north of the Waitara.

Upon all pretensions being at once relinquished to all lands to the south of the Waitara, the Government will, without further inquiry into such pretensions to these lands, admit that from the prompt settlement they are making of this question they are entitled to such compensation as may be agreed on between themselves and the officers of the Government.

The Government will then also recognize and permit them immediately to dispose of their claims at Waikanae and Totaranui for such compensation as may be agreed on.

The compensation in both cases to be paid in annual instalments spread over a period of not less than three years.

The Government will survey regular village sites on the north bank of the Waitara for Native villages, at such points as they may select, and will endeavour to see that the amount of compensation paid to the Natives shall be so expended as to secure their permanent advancement in civilization and prosperity.

[*In Sess. Pap., Gen. Assembly*, 1860, *E. No.* 4.]

New Zealand.

XXV.—Letters from Wiremu Kingi to the Governor.

Friend the Governor, Waitara, February 11, 1859.

Salutations to you. I have a word to say to you and to Mr. McLean. Do you hearken to our Runanga respecting the land. Do you hearken: The boundary commences at Waitaha, thence along the boundary of Tarurutangi to Mangoraka, thence on till it reaches Waiongana; it there ends; again it proceeds along the course of the Waiongana stream till it reaches the boundary of Paritutu, where that ends. Again it commences at the mouth of the Waitaha, thence along the coast line in a northerly direction to Waiongana, Waitara, Turangi, Waiau, Onaero, Urenui, Kaweka, Kupuriki, Waiti, Paraeroa, Karakaura, Te Kawau, Poutama, and Mowhakatino. The boundary of the land which is for ourselves is at Mokau. These lands will not be given by us into the Governor's and your hands, lest we resemble the sea birds which perch upon a rock; when the tide flows, the rock is covered by the sea, and the birds take flight, for they have no resting place. I therefore bethought me of what was said in former times about holding land. My word is not a new word, it is an old one; Governor Hobson, Governor Fitzroy, and Governor Grey have all heard it, and now that you have come, O Governor Browne, I send the same word to you that I sent to the Governors, to hold back my land. You, O Mr. McLean, are aware of that word of mine when you first came here and saw me, you heard the same word from me, "I will not give the land to you."

I have therefore written to the Governor and to you to tell you of the Runanga of this new year, which is for withholding the land; because some of the Maories still desire to sell land, which causes the approach of death;—it is said that I am the cause, but it is not so, it is the men who persist; they have heard, yet they still persist.

If you hear of any one desiring to sell land within these boundaries which we have here pointed out to you, do not pay any attention to it, because that land-selling system is not approved of. This is all.

Salutations, O Governor Browne, to you and Mr. McLean, and do you write and send me your love. It is ended.

From your friend,
Wiremu Kingi Whiti.

Assistant Native Secretary to Wiremu Kingi.

Friend Wiremu Kingi, Auckland, April 2, 1859.

Salutations to you. Word has come from Te Teira offering for sale his piece of land at Waitara. The Governor has consented to his word; that is, as regards his own individual piece, not that which belongs to any other persons. The Governor's rule is, for each man to have the word (or say) as regards his own land; that of a man who has no claim will not be listened to. This is merely written to let you know the word of the Governor in answer to Te Teira's and Te Retimana's letter.

From your friend,
Te Mete (T. H. Smith).

To Wiremu Kingi, Taranaki.

Wiremu Kingi to the Governor.

Friend, Waitara, April 25, 1859.

Salutations to you. Your letter has reached me about Te Teira's and Te Retimana's thoughts. I will not agree to our bedroom being sold (I mean Waitara here), for this bed belongs to the whole of us; and do not you be in haste to give the money. Do you hearken to my word. If you give the money secretly you will get no land for it. You may insist, but I will never agree to it. Do not suppose that this is nonsense on my part; no, it is true, for it is an old word; and now I have no new proposal to make, either as regards selling or anything else. All I have to say to you, O Governor, is that none of this land will be given to you, never, never, not till I die.

I have heard it said that I am to be imprisoned because of this land. I am very sad because of this word. Why is it? You should remember that the Maories and Pakehas are living quietly upon their pieces of land, and therefore do not you disturb them. Do not say also that there is no one so bad as myself.

This is another word to you, O Governor. The land will never, never be given to you, not till death. Do not be anxious for men's thoughts. This is all I have to say to you.

From your loving friend,
Wiremu Kingi Whiti.

To his Excellency the Governor.

[*In Sess. Pap., Gen. Assembly*, 1860.]

Appendix C.—Extracts from Reports and Speeches of Chief Commissioner McLean and District Commissioner Parris.

I.—Speech of Mr. McLean at the Ngaruawahia (Waikato) Meeting, May 1860.

D. McLean, Esq., inquired, "When did that thing of which you speak [the King's flag] reach Wairarapa? Wairarapa is mine, it has been sold to the Queen, and is in the hands of Europeans. The men that took the flag to Wairarapa are worthless characters, over head in debt. They have no further claim or right to dispose of that land. This is a trick of yours, in order to obtain adherents. You make false statements, and say that men have joined your movement, who have not done so. You have been unjustly censuring the Governor about Waitara. I promised to give you a history of the case; I will now do so; I am well acquainted with it; I know all about it from the beginning. When Europeans first went to Taranaki, they found the remnant of the tribes you had conquered. Wiremu Kingi Te Rangitake was not there. He had left the land and never expected to return to it. The men you spared sold it to us; they said, Give us pakehas and we will give them land. You also (Waikato) sold it to us in all its boundaries; therefore I say that land has been fully ceded and given into our hands in open daylight. You (Waikato) gave it to us openly, and how can you repudiate your own act?—an act performed by your great chiefs Potatu and Kati. They asked for payment because their friends had fallen there; we gave it to them, and they ceded to Governor Hobson all their claim. After this the Ngatimaniapoto and Wiremu Nera released their slaves, and sent them to re-occupy the land from whence they had dragged them. But Rangitake was at the South, and never thought about returning to Waitara. It was Te Whero Whero who invited him back; Taonui Kikaka added his word, and Rangitake returned. When the people had returned, each man sold his own land, without reference to Rangitake. You wish to know how the matter stands between Rangitake and Teira. I will tell you. When the former thought of returning to Waitara, he sent to Teira, and said, 'Let us return to Waitara; you take one side, I will take the 'other, as Waikato gives us permission to return.' Rangitake wished to occupy the north bank, to protect himself against Waikato, and was prohibited by Sir George Grey from settling on the south side; but he built a pa on the south bank by permission of Teira's father, and soon after his return began to fight about the land. Men were killed in battle; some were murdered in cool blood. Then two families (*hapus*) said 'We will sell our land at Waitara,' and they offered it for sale, but the Land Commissioner was not in haste about it; he let it stand. Then the Governor went to Waitara, and land was offered. One got up and said, 'I desire to sell my piece,' and another got up and said, 'I wish to sell mine; I do not want to sell what is another's, but my own.' 'I (McLean) replied, 'We cannot purchase those small pieces.' Then Teira said to Wi Kingi, 'Listen, I am about to 'offer mine: Governor, here is mine;' but the Governor did not speak. Teira said again, 'Give 'me your word, Governor; McLean will not you and the Governor consent to mine?' Wi Kingi sat there all the time and heard. When Teira had urged it once, twice thrice, four times, the Governor said, 'If it be an undisputed claim, I accept it.' Then Teira laid down his *parawai* (mat), but Wi Kingi did not take it away; he only called out and said, 'Waitara shall not go,' and went away. But we did not take it at once. You say we were hasty, but we were not. Eight months passed over before the bargain was closed. We inquired of all the people, and could not find any rightful claimants but Teira and his friends. We said 'If Wi Kingi has a piece in this block, we will not have it, we will leave it outside. Do not say, then, that the Governor made haste to buy it: he took time enough to investigate the claim. You have said that one man sold the land, but that is wrong; there were seventy persons consenting to the sale. After this I went south, and visited the Middle Island. I saw Ropoama Te Ore, of Arapaoa. I said to him, 'Waitara is offered for sale:' he asked by whom? I inquired of him, 'Is it Kingi's?' He said, 'No, his land is on the other 'side of Waitara; that piece is mine, let me have the money for that.' I replied, 'No, I am not at 'present clear about the ownership.' 'Let it be settled; give the payment to me,' he said again. 'I 'do not understand it yet,' I said, 'but give me the names of the real owners.' You have then unjustly accused the Governor. He has done no wrong. The land was offered to him, he would not consent at once, but took time to obtain information on the character of Teira's claim; he had said he would buy no land the ownership of which was disputed, neither would he allow any man who wished to sell his own land to be prevented by another. He has kept his word. Whose land has he taken? whose rights has he violated? But you have allowed yourselves to be deceived by false statements. You have charged the Governor with making haste to go to war, but had you waited to hear and understand the subject, you would not have done so. The Governor has no wish for war, and would not take up arms but in a just cause, and then not till all other means had failed."

To this address the meeting listened with great attention; but, as the evening was advancing, Te Heuheu arose and interrupted Mr. McLean, saying *Ka po* (it is night). The probability is that he saw how the remarks were telling on Waikato; and Mr. McLean broke off promising to finish the next day. Many of the Waikato Chiefs were heard to say, *Ka tika te korero a Makarini, ka nui te marama*—"The speech of Mr. McLean was quite straight; great was its light." Potatau also corroborated the statements he had made, and was displeased that Te Heuheu should have interrupted him. Several of the Chiefs expressed their displeasure, and Ngatihaua offered to light large fires that he might have an opportunity to complete his statement that night, as they intended to leave early next morning. It was, however, arranged that he should finish next day.

On the 29th, the natives were all busy preparing to erect the flagstaff, and Ruihana tried in vain to obtain a meeting to give Mr. McLean an opportunity of finishing his address. Mr. McLean waited till noon, but there were no signs of a gathering. He then told the natives he understood their motives in delaying to assemble, and having given them a reasonable time he should wait no longer. He struck his tent and departed.

[*Pamphlet by Rev. T. Buddle*, 1860.]

II.—EXTRACTS from SPEECH of Mr. McLEAN at the Conference of Chiefs at Kohimarama, July 1860.

I shall not speak of Wiremu Kingi's visit to Ngapuhi, and of what passed between him and Potatau's younger brother; they had a difference about that land. Kati said to Wiremu Kingi, "That land will be sold to the Governor." Wiremu Kingi replied, "Then I will sell the Waipa Valley as a payment for my slain." (Alluding to an encounter which took place between the Ngatiawa of Taranaki and the people of Waipa). On Kati's return from the north he repeated what had passed between himself and Wiremu Kingi to the old chief Potatau, just now deceased. Soon after, Potatau went to Kapiti with Governor Hobson. Afterwards, he said to the Governor, "Friend, listen to me. Taranaki is mine: my hand holds it. I wish to sell it to you." The window of the room in which this conversation took place happened to be open, and some papers which had been lying on the table were scattered by the wind. The old chief collected them and, replacing them on the table, put a weight upon them: and addressing the Governor, said, "This is like Taranaki: if I press the Taranaki people, they will remain quiet. See, O Governor, when I put a weight upon them they are still: they cannot move." Time passed on, Governor Hobson considered the matter, and after having done so, consented to the purchase from Waikato. Here is the deed of transfer. (Deed read). The signatures to this deed are those of Te Kati, who lies buried at Mangere, and of Te Wherowhero, just now deceased at his own place at Waikato. Now, in accordance with your customs, this land was completely forfeited and gone. Of the men who once possessed it, some had been brought as slaves to Waikato; some had gone to Kapiti. It was a complete abandonment of a conquered territory. * * *

The Taranaki people are now asserting a claim to territory which has become the property of the Government. Waikato has taken up arms to hold that which their own chiefs gave to the Europeans; spreading it forth for their acceptance in the light of day and under the shining sun of heaven. Had it been territory not previously touched or broken into it would have been different, but this was not the case. The land has been consumed; it cannot return to its original state any more than the ashes of a dead fire can be rekindled. Let the chiefs of the council look at the facts of case, and consider them well. This statement is not a new one; it was made by me at Ngaruawahia, and the old chief who has just died [Potatau] fully admitted its truth. Referring to it he said, "It is correct." * * *

In the year 1847, Waitara was offered for sale. Claims were duly investigated. This was before the return of the people from Kapiti. The natives residing on the land said, "It will not be right to entertain the claims of those absentees who forsook the land, and took no part in defending it against the Waikatos: let the whole payment be given to us." The Government did not, however, accept this view, and when any payment was made, it was divided, and a portion was sent to Kapiti. The purchase of the Waitara was kept in abeyance until the claims should be clearly ascertained. In In 1848 I went to Kapiti, and there was a large gathering at Waikanae at which Wiremu Kingi Te Rangitake proposed to return to Waitara. When he was informed that the Waitara was under offer to the Government, he said, "Let me return thither, and I will then consider the matter. When I get there, one side of the river shall be yours and the north side mine, whence I can look out for the Waikatos, in case that tribe should meditate an attack upon us." That was his word: which is retained in the memories of myself and others here present who heard what passed between us. Wiremu Kingi was allowed to locate himself at Waitara, and nothing was said by the Europeans about the land: there was no attempt to press the matter hastily. Wiremu Kingi returned with his people; the sanction of the Governor to his doing so had been given, though the act was on his part intented as one of defiance. On his way he heard that the sale of Mangati [Bell Block] was under negotiation. He met me on this side of Whanganui, and said to me, "Do not give the payment for Mangati. I am willing that it should be sold, but I have a claim on it; let the payment be kept back until I arrive there. When I am there let it be given." I replied, "It is well, William," Some months afterwards I called together all the people of Puketapu and other places to receive the payment. Wiremu Kingi was also invited to be present, to witness the payment. He came: and when the goods had been apportioned out among the several divisions of tribes, I looked to see what portion was assigned for Wiremu Kingi. None appeared: he got nothing. I therefore came to the conclusion that Wiremu Kingi had no claim at Mangati. * * *

Te Teira on behalf of the Ngatihinga and Ngatituaho stated that he wished to cede a small portion of his land to the Government, leaving the greater part of it untouched. He said to the assembled people, "Listen, it is only my own land that I shall give." He then asked the Governor whether he would consent that his land should be bought. He repeated his question a second and a third time before the Governor replied. The Governor then, turning to me, said, "If "it is right and that he is really the owner, assent." The assent having been given Te Teira brought a *parawai* mat and placed it at the feet of the Governor. It lay there for some time, and was at last taken possession of for the Governor. Others got up to offer their pieces, but their offers were not accepted, as the title did not appear clear. These were accordingly rejected. Wiremu Kingi then rose, and without attempting to impugn Teira's title or right to sell, he merely spoke a

few words to the effect that Waitara should be held, and then returned to his place. Before leaving Taranaki I instructed the Land Purchase Commissioner there to investigate carefully the claims to this piece of land, and not to proceed hastily in the matter. He has since been constantly engaged in inquiring into the question of title; Wiremu Kingi also being present at the meetings and admitting that the land belonged to the sellers, but refusing his consent to its being sold. If he or any other person had shown that any portion of the land belonged to him, such a claim would have been respected.

His attempt to hold the land is connected with the land league, and was encouraged by the Maori King movement: otherwise he would not have ventured, as he has repeatedly done, to forbid the sale of land to which he never had any claim, not only at Waitara, but at Mokau, at Taranaki, and at other places. Had this been land over which the Native title existed in its original state there might have been some excuse.

After the talk (about the Waitara land) I crossed the straits to Aropaoa, and saw that section of the tribe which is with Ropoama Te Ore. I mentioned that a portion of the Waitara had been offered. I recited the boundaries and asked, "Does that land belong to Wiremu Kingi?" This I said merely to bring out information on the subject. The reply was, "No: if it was on the other "side of Waitara, his claim would be just, but this side belongs to us; let us have the payment." I said, "It will not be right to give it to you now, wait until the matter is clear; let the claims be "investigated on the spot, and then the payment may be given." They pressed the matter, and a third time they urged me to give them the payment. I replied, "Wait until the question is properly "settled." Afterwards they agreed to this. The names of these Aropao people who have claims at Waitara are Ropoama Te Ore, Ripeka, Ngawheua, Te Herewini, Ihaka, Te Retimona, Timoti, Anauru, Haimona, Henare, Rupuha, Arapere, Hamiora, Tohi, Pirihira, Nata, Rakira, Eruera Te Rangi, Whiroa, Te Rei at Port Nicholson, and others. These people consented to the sale. It was I who delayed the matter, wishing that the claims should be investigated upon the land of their forefathers.

[*Maori Messenger* (*a newspaper published by authority in the Native language*), *July* 1860.]

III.—Extract from Evidence of Mr. McLean at the Bar of the House of Representatives, August 1860.

I have to state that, several years previous to the purchase, I travelled over the district in company with some Natives, King's own brother being one of the party, and they pointed out to me the respective claims of the different *hapus* or subdivisions of the Waitara tribes. This was in the year 1847, when the Natives were willing to dispose of their interest in the land at Waitara. The Government did not at that time go on with the purchase; Wm. King was expected to come back from Kapiti. His own claims and those of his immediate followers were represented by the best possible evidence (that of his own brother) to be almost exclusively on the north bank of the Waitara River. It was stated to me by old men well acquainted with the circumstances, (speaking as Natives do of these matters, when referring to the several generations of owners), that King's own ancestors were but comparatively recent occupants even there. In 1848 Wm. King and his party returned to Waitara. It was their intention to occupy the north bank of the Waitara. But in consequence of some difference which one of his brothers had with a Native chief, at the south —Ropoama—he designed to possess himself of a portion of the land at Waitara belonging to Ropoama. * * *

The Waikato title to Taranaki was universally admitted by the Natives at the time of the conquest; many acts of ownership over the soil had been exercised by them. The land was divided among the conquering chiefs; the usual custom of putting up flags and posts to mark the boundaries of the portions claimed by each chief had been gone through. Any occupation of the land by the Ngatiawa at that period was entirely out of the question, but those Natives who were released from slavery from time to time were permitted by Waikato to occupy: but those who had fled to the south were not allowed to return, and they were distinctly warned that if a return were attempted it would be the cause for fresh war against Ngatiawa. The Waikato right was thus established as a right of conquest, and was fully admitted by the Ngatiawa themselves; who, on each occasion when they sold a portion of land at Taranaki, sent a part of the payment to Waikato as an acknowledgment of conquest or of the right of *Mana* possessed by the Waikato chiefs as their conquerors. In this view of the question it is quite evident that the Ngatiawa title had been superseded by the right of the conquerors. And though, in course of time, the parties who fled to the shores of Kapiti, as well as those who were taken captive were gradually permitted by Waikato to return, it was generally on the understanding that they were to recognize the superior rights of the Waikatos over the territory. The Natives who first returned were from the Ngatimaniapoto country. They were permitted to return and did so, with this injunction from the Waikato chiefs who released them, to go aud occupy the land but to take care and send them some of the fruits of it, which was accordingly done. In several cases returned slaves were afterwards invested with a right to the soil. * * *

The whole of the purchases previously made at Taranaki had been effected on the same principle a the present one, namely, that of acquiring the land from the different clans and subdivisions of those clans which came in from time to time to offer it. I never, during my residence there, heard of any of the pretended claims that have since sprung into existence in the imagination, not of the Natives themselves, who are more interested and whose imaginations are easily worked on, but of persons who have a false sympathy instead of a true one with the Natives. * * *

NEW ZEALAND.

With reference to the particular block under consideration, the claims of the actual owners were carefully inquired into. Notice was given publicly at the time of the purchase to such absentee claimants as were known to have a right to the soil. It was not considered necessary to go about the country to rake up claims, or to induce Natives to prefer them. It was well known that when any block of land was offered for sale, there was no hesitation on the part of claimants to come forward to receive that portion of the proceeds to which the extent of their claims might entitle them. The sale of any land in the country soon becomes known throughout it from one end to the other; and it is often found that a hundred fictitious claims are adduced, when the actual owners altogether do not exceed thirty or forty persons. There has been a great deal said about unsatisfied claims in different parts of the country, but my own conviction is that many of those claims have been manufactured. At all events, I found that in the course of a few months after the time of the first offer of the land and my notification of it to the tribes at the south, several parties were adducing claims who had never previously done so. * * *

There was no urgency displayed in this matter; no desire to hasten it; but ample time was given to all parties to put forward their claims, and not only was there ample time given, but claims were solicited and hunted up in every direction in Taranaki itself. Yet, with the exception of the two tribes who sold the land on the banks of the Waitara, and another tribe on the banks of the Waiongana, who were joint claimants to a part of the block, no substantial claims were put in. If I were to say that no other claims were adduced I should be wrong, but I mean no substantial claims—no claims that could be recognized by the Government, or which would be regarded by the Natives as valid. Certainly one man told me that his grandfather had once lived a short time on the land, and that he therefore expected compensation. Another told me that in one of their fights he was wounded and suffered great inconvenience there, and therefore thought it was right that he should have some consideration now that the land was sold. Now, this is the class of claims of which I have just been speaking, which it is clearly the duty of the Government to resist, as otherwise it would be an utter impossibility to carry out any purchase of land without defrauding the real owners. By compensating this class of claimants, the real owners would be deprived of what they are fairly entitled to, and merely because the Government chose to recognize fictitious claims of this character. What I maintain on the present occasion is, that the actual owners of the soil, the men known and recognized as such, have been conferred with, and their consent to the sale obtained. * * *

In the case of this purchase, the river in which the land is situated is a place to which the Natives have been much attached, and which many of them were latterly indisposed to alienate. But I deny the assertion which has been made here this day, that there are 80 persons at Waitara who have claims to this block of land. If there were 80 claimants there, besides those at Waikanae, Port Nicholson, and Queen Charlotte's Sound, they never made their claims known, and the ancestors of many of them were never known to have claims there. Had there been 80 claimants, I believe the invitation given to the Chiefs soon after the Governor's visit to Taranaki, to put in such claims, would have been sufficient to bring them forward. That invitation was dated March 18, 1859, and was to the following effect:

Ngamotu, March 18, 1859.

FRIENDS, THE MEN OF WAITARA,

Salutations to you! This is a word to you to request you to make clear (point out) your pieces of land which lie in the portion given up by Te Teira to the Governor.

You are aware that with each individual lies the arrangement as regards his own piece; in like manner Te Teira has the arrangement of his piece. Another cannot interfere with his portions to obstruct his arrangements, for he has the thought for what belongs to himself. This is a word to you. Do not you, without cause, interfere with Te Teira's and Te Retimana's part, for they have consented to the sale of their part, in the presence of the tribe, in broad daylight, and the terms with him for his piece will soon be settled. We will not urge for what belongs to another man, as with him is the thought as regards his own piece.

And now, do not you be dark towards him, as his proceedings give light.

DONALD MCLEAN.

To Wiremu Kingi Whiti.
To Wiremu Ngawaka Patukakariki.
To all the Men of Waitara.

It has been recently stated that, in addition to these persons who are known and recognized as the actual owners, claimants are to be met with at the south as numerous as a swarm of bees; but I think that those who say so would find very great difficulty in establishing anything beyond mere assertion of right to the land comprised in the Government purchase. Knowing how scattered the claimants were, and the difficulty of getting them all together in one place, at any one time, I was a long time pursuing investigations before I myself came to the conclusion that the purchase was quite satisfactory; but the more I inquired into the case, and came into contact with impartial Natives residing at a distance, and having no particular interest in the locality, the more I became satisfied that the purchase was a good one. * * *

Will you describe the meaning of Tribal right in regard to the transfer of land?—It varies so much in different parts of the country, I should wish to know what particular part of the country you refer to, as the custom which prevails in one place does not in another.

What is the general rule?—There are very wide exceptions.

Is the rule or exception wider?—The exception is the wider

When a *hapu* alienates, who represents it, and is the consent of all its members necessary?—In some tribes the different *hapus* must be consulted, in others the chiefs; much depends upon the personal character of the latter. I did not say that *hapus* or subdivisions of tribes had not a right of transfer of property. The various *hapus* or families which compose a tribe most frequently have the right of disposal, but not always; the custom varies.

How do you discover what the rights of the parties are?—You must discover them by inquiry of the people in the district where the land is situated, and elsewhere.

Then the sum of your evidence is this: That there are no settled rules or principles guiding alienation of land, and that in such matters the exception is wider than the rule?—The Natives have no fixed rule. The custom varies in different districts.

What are the rules of alienation in the Ngatiawa tribe?—In the Ngatiawa a family of three or four people has been regarded as empowered to dispose of its common property.

Have they long enjoyed this right?—It has been for the last 18 years.

You have referred to the alteration of the Native tenures owing to disputes. By whose consent and in what manner have the ancient tenures been altered?—The original occupants have in many cases been swept off the country. The tenure has been changed in Taranaki by the Waikato conquest.

What evidence have you of such alteration?—The evidence of living witnesses who took part in the conquest.

When you say the tenures were altered, do you mean, not that the laws by which the lands were held were changed, but that the ownership changed hands?—I mean that there was an entire change. The right of the original proprietors became vested in the conquerors.

Has King ever made a proprietary right?—William King has never made such a claim to my knowledge.

Under the peculiar circumstances of the Taranaki case, had King, in your opinion, any right to interfere with the sale by another *hapu* of their lands?—Decidedly he had not.

Has any similar interference by the Chief been recognized in Taranaki, either in favour of King or of any other?—Never in connection with any of the purchases made there.

Having regard to previous transactions, do you consider that the Government ought to recognize any but proprietary claims in Taranaki?—I do not think that the Government should recognize any but proprietary claims.

Have I rightly understood you that, notwithstanding the Waikato conquest, the British Government has respected the separate proprietary rights in Taranaki of the several sections of the Ngatiawa?—You have rightly understood me.

Has the Government allowed the exercise, or has the exercise hitherto been attempted, within the block comprised in Mr. Spain's award, of any general tribal right, or right of chieftainship, so as to interfere with the rights of the several *hapus* or families to dispose of their lands to the British Government?—No; no general rights of that kind have been exercised; but the rights of the subdivisions or different *hapus* of each tribe have been recognized.

Did William King assert any claim to the Bell Block, and, if so, was it allowed, and did he receive any of the payment for that land?—He asserted a claim, but it did not entitle him to receive any part of the payment given for the land.

Is there any country belonging to the Puketapu tribe north of the Bell Block, towards the Waitara?—The country north of the Bell Block belongs to the Puketapu tribe; their boundary goes to within about two miles of the Waitara river.

Has William King ever set up a claim over the whole country between Waitara and the Bell Block?—He has constantly done so. The only claim he does set up is that general claim over the whole country between Mokau and Waitaha.

How many millions of acres have you purchased during the last 20 years at other places than Taranaki?—The previous purchases in these islands with which I have been connected amount to about 20,000,000 or 25,000,000 of acres.

Has the validity of any of these purchases ever been disputed?—In very few cases indeed. There has been no serious dispute in any. The validity of the purchases has never been disputed in any important particular.

Have you neglected in the Taranaki case any investigation, inquiry, or precaution which you adopted in those undisputed cases?—Every precaution was used. A great deal of trouble was taken to obtain a knowledge of the different claimants.

Did you advise the Governor that the title of the sellers of Te Teira's block was good before the purchase of the block was made?—I advised the Governor to accept the offer, and proceed with the purchase of the block, because it appeared to me that Te Teira had an unquestionable title.

[*In Sess. Pap. Gen. Assembly*, 1860, *E. No.* 4.]

IV.—Extract from Report of Mr. Parris, District Land Purchase Commissioner, dated July 16, 1860.

This land was first offered to the Government on the 8th March 1859 before a large meeting of Natives, assembled to meet His Excellency the Governor in the town of New Plymouth; present, his Excellency the Governor, the Native Minister, the Native Secretary and Chief Commissioner, his Honour the Superintendent, Lieut.-Colonel Murray, Rev. Mr. Whiteley, and a numbr of settlers.

NEW ZEALAND.

Among the Natives present were all the leading men of the Waitara, Puketapu, Ngamotu, and some of the Taranaki tribes. After the usual salutations had been exchanged, and two or three short addresses to his Excellency the Governor, Teira rose and said, "Listen all present, both Europeans "and Maories, I am going to offer the Governor my land." He then commenced to name the boundary, during which there was not the slightest interruption. Having finished, he put the question to his Excellency the Governor, whether he would consent to buy his land. There was a pause while his Excellency was consulting with the Native Minister and the Chief Commissioner, before answering the question. In the interim, a Native called Piripi got up to propose that a block of land inland of Teira's, in which he (Piripi) had some claims, should be added to Teira's, and sold as one block. This proposal was instantly opposed by Patukakariki and several others, when another man (Hemi Kuka) got up to offer his land at Onaero, which caused some confusion; and, seeing it was likely to interrupt Teira's question, I requested Hemi Kuka to sit down, which he did; Piripi was still standing, and Wm. King rose to put him down, when Teira said to him, "*E Wi, noho koe ki te whenua, maku e whakaoti te tikanga a Piripi,*" (Wm. King, you sit down, I will stop Piripi.) Wm. King sat down; and Teira, addressing himself to Piripi, said, "I shall not consent for the land "which I am offering to be entangled with any other; when mine is sold, you can do as you like "with yours." Quietness having been restored, Teira again put the following question to His Excellency the Governor, "Will you consent to buy my land?" His Excellency replied through the Chief Commissioner, "If the land is yours, I consent to buy it;" upon which Teira walked up to his Excellency with a Kaitaka mat, and laid it down at his feet, as a token that the land had departed from him. Seeing there was no interruption, some Natives present said, "*Kua riro a Waitara*" (Waitara is gone); when Wm. King rose, and in a very disrespectful and sullen tone said, "Governor, there is no land for you," and left most abruptly and unceremoniously with his followers, without offering the slightest explanation.

Previously to his Excellency's departure from the settlement, I was instructed to investigate Teira's claim carefully and cautiously, and not to do anything, or encourage any move on the part of the sellers, which would in any way be calculated to bring into hostile collision the two parties: and from time to time to report the result of my investigation. * * *

In September last, the peace negotiations having been concluded, I went to Waitara, to have an interview with William King and his people, on the subject of resuming the negotiation for Teira's land. I spent this day and many others with them, endeavouring to induce them to meet Teira's party, and discuss quietly and deliberately the claims to the block of land; but they never would consent to do it. I therefore was obliged to get information from other Natives, (and strange to say some who are now opposing the Government, Hapurona and others,) to compare with the representations of the selling party; and the information which I obtained fully corroborated the statements of the selling party. Hapurona on one occasion had a disagreement with W. King, and declared that he never would support the opposition. The land was occupied by Tamati Raru's and Rawiri Raupongo's people, before the Ngatiawa migration to the South, and their Pa was at Pukekohatu on the land; whilst William King and his people were living on the North side of the river, and had their Pa at Manukorihi. On returning from the South, in 1848, they asked permission of Teira and his father to be allowed to build their Pa on the South side, which question had been submitted to a Committee who had decided that the South side was preferable to the North, in case of an invasion from Waikato. Since their return from the South, none of the land sold by Teira and party has ever been cultivated by William King's people.

Having been authorized to pay an instalment for the land, I appointed the 29th November for that purpose, and gave William King a week's notice of my intention to do so. On the 28th he came to town with about 30 followers, all armed; on hearing they were at the Kauwau Pa, I went to them, and prevailed on William King to remain until the following day, and supplied them with food for that purpose; and on the 29th they met Teira's party, before his Honour the Superintendent, Lieut.-Colonel Murray, Rev. Mr. Whiteley, and other authorities of the place; when he distinctly admitted, in answer to a question put to him by myself, that the land was Teira's and his supporter's, but that he would not allow them to sell it.

On payment of the instalment of the 29th November last, I read over the boundary of the block of land, in the presence of William King and his party, to which was appended the following, as instructions from his Excellency the Governor:

"If any other person can prove that he owns any part of the land within the boundaries above described, his claim will be respected, and he will be allowed to *retain* or *sell* the same, as he may think proper."

No definite claim was ever preferred at this or any other time, and the only position they have ever taken is the arbitrary one of assuming the right to oppose the sale of any land, even by the rightful owners.

Rawiri Raupongo, an extensive claimant in the Waitara district, was frequently forcing the sale of this land upon me privately, being, as he always assured me, afraid to move publicly in the matter lest he should be served the same as Rawiri Waiau was; and the opposing party for a time had an impression that he was not a consenting party, for one of William King's principal men, Komene Patumoe, made a statement to Archdeacon Govett, which that gentleman has furnished me with, a copy of which I here insert:

DEAR SIR, New Plymouth, July 10, 1860.

I have no objection to give you a written statement of what was said by Komene Patumoe to me, regarding the sale of the block of land at Waitara. His expression was, that if Rawiri Raupongo had been a consenting party to the sale, they could not have had anything to say against it (*Kahore a matou kupu.*) By this I understood him to mean, that the Natives generally at the Waitara could not have reasonably opposed it.

I remain, &c.

Robert Parris, Esq. HENRY GOVETT.

With respect to Archdeacon Hadfield, the position he has taken in this matter justifies me in reporting, that seeking to effect a peaceful purchase of Teira's land at Waitara, I solicited Archdeacon Govett to write to him to use his influence with William King to that effect, informing him that the Governor was inclined to be very liberal to him and his people, and would make ample reserves for them. Archdeacon Hadfield replied, and Archdeacon Govett read the letter to me, in which he stated that "he would not advise Natives to sell their land, that he was not pleased with anything the Government had none for the Natives, and that the Governor would find that a large party of the Natives at Otaki would espouse William King's cause."

[*In Sess. Pap. Gen. Assembly*, 1860, *E. No.* 3A.]

V.—The GOVERNOR'S INQUIRY as to WIREMU KINGI'S RIGHT.

Memorandum. Government House, July 20, 1860.

In order to complete the documents about to be printed for both Houses of the Assembly, the Governor requests the Chief Land Purchase Commissioner to answer the following questions :—

First. Had Tamati Raru, Rawiri, Rauponga, and their people, such a title to the block of land recently purchased at the Waitara as justified them in selling it to the Queen?

Second. Had William King any right to interfere to prevent the sale of the above block of land at the Waitara to the Queen?

T. GORE BROWNE.

Report. Auckland, July 23, 1860.

In reply to your Excellency's memorandum of the 20th inst., I have the honour to state with reference to the first-mentioned question, as to whether Tamati Raru, Rawiri, Rauponga and their people, had such a title to the land recently purchased at the Waitara as justified them in selling it to the Queen: I believe that the above Chiefs, conjointly with others at the South associated with them in the sale, had an undoubted right of disposal to the land in question.

With reference to the second inquiry, "Had William King any right to interfere to prevent the "sale of the above block of land at the Waitara to the Queen?" The question of the title has been carefully investigated. All the evidence that has come before me, including Wm. King's own testimony that the land belonged to the above parties, goes to prove that he had no right to interfere. The interference assumed by him has been obviously based upon opposition to the land sales in the Taranaki Province generally, as a prominent member of an anti-land-selling league.

DONALD MCLEAN,
Chief Land Purchase Commissioner.

[*In Sess. Pap. Gen. Assembly*, 1860, *E. No.* 3A.]

VI.—DEED of SALE of WAITARA, February 24, 1860.

[*Translation.*]

Know all men, by this Deed, executed on the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and sixty (1860), We, Chiefs and Men of New Zealand, whose names are hereunto subscribed, in consideration of the sum of six hundred pounds (£600) paid to us by Parris, on behalf of Queen Victoria (and we hereby acknowledge the receipt of the said monies), we all and each of us by this Deed consent to sell, surrender, and convey to Queen Victoria, and to all the Kings and Queens, Her Successors, and to Her Assigns, all that piece of land called Pekapeka.

The boundaries of which are—

Commencing on the beach at Onatiki, running inland in a straight line to Kohia, to the high road to Mamaku, from thence running in a Northerly direction along the cart road to Pukeruru, descending thence to Maungahakaia to the stream called Mangahinau, from thence seaward to Opatito to a Kahikatea (tree) standing there, continuing thence to Arakauere, from thence in a Northerly direction to Pukekohe on the flat on the landside of the Pa, from thence to the steep towards the North, running along the steep seaward to the ditch fence to Matawhitu, running in a Northerly direction to the river Waitara, following down such stream to its mouth at the beach, from thence running in a Southerly direction along the beach to Onatiki, the starting point:

Together with all right to the things appertaining thereto, with all our right, title, interest, claim,

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and demand, which all and each of us have in the said land, and all thereunto belonging, to the Queen and Her Assigns for ever.

In testimony of our surrender, we hereunto subscribe our names.

Tamati × (his mark) Rarn.
Rawiri × (his mark) Raupongo.
Te Teira Manuka.
Hemi Waitikingi Pataka.
Paranihi.
E Piha te hoko.
Weterere.
Hori Te Kokaho.
Rawiri × (his mark) Kauiri.
Eruera Raurongo.
More × (his mark) Whatu.
Hita × (her mark).
Pipeiki.
Hira.
Rakira × (her mark) Te Ringa.
Makareta × (her mark)Te Motu.
Rameri × (her mark).
Wikitoria × (her mark).
Te Watene × (her mark).

(19 names.)

Written in the presence of

ROBERT PARRIS, District Commissioner.
JOHN L. NEWMAN, Settler.
E. W. STOCKMAN.

[*In Sess. Pap. Gen. Assembly*, 1860, *E. No.* 2A.]

VII.—REPORT of DISTRICT COMMISSIONER, Taranaki, to CHIEF LAND PURCHASE COMMISSIONER.

New Plymouth, December 4, 1859.

I have the honour to inform you that on Tuesday, 29th ultimo, I paid an instalment of 100*l.* to Teira and others for their land at Waitara.

On Friday, 29th ultimo, I went to Waitara, and informed Wm. King that I purposed doing so. On Tuesday, 29th ultimo, he came to town with a party of about 30 to oppose it. I prevailed on them to meet Teira and party and discuss the question, which was done in a very orderly manner in the presence of a large audience of Europeans.

Wm. King avowed his determination to oppose the sale, without advancing any reason for doing so; upon which I put a series of questions to him, which I called upon the Rev. Mr. Whiteley to witness.

Does the land belong to Teira and party?—Yes, the land is theirs, but I will not let them sell it.

Why will you oppose their selling that which is their own?—Because I do not wish for the land to be disturbed; and although they have floated it, I will not let it go to sea.

Show me the justness or correctness of your opposition?—It is enough, Parris; their bellies are full with the sight of the money you have promised them, but don't give it to them, if you do, I won't let you have the land, but will take it and cultivate it myself.

Teira stops in town since he received the instalment, considering it not safe for him to stop at Waitara.

I have, &c.,
ROBERT PARRIS,
District Commissioner.

I hereby certify that the above questions were put, and the answers given, as reported by Mr. Commissioner Parris.

JOHN WHITELEY,
Wesleyan Missionary.

The Chief Commissioner.

[*In Sess. Pap. Gen. Assembly*, 1860, *E. No.* 3.]

Appendix D.—Speeches and Letters of Native Chiefs.

1.—Extracts from Speeches of Chiefs at the Ngaruawahia Meeting, in May 1860.

Karaka Tomo te Whakapo, from Rangiaohia.—You are right, those are our mottoes. Let there be no evil of any kind, no war among the Pakeha, and no war among the Maories. But let us build our pa, let us complete it. Let it be quite finished. I do not consider it completed yet. Leave the other things, the war at Taranaki, for the Evil Spirit to carry on. Twice he has turned upon us, and twice we have forgiven. Let us abide by our three mottoes, and wait to see if he will be strong and persevere. Our pa stands broken: listen William, Takerei, Wetini, listen, I consider that our pa for our wives and children is not yet complete: let us finish it, dig the trenches, throw up the breastwork, and bind the fences. Look at his (the Pakeha's) work in other lands, never too late, never behind time (alluding to the prompt movements and careful preparations of the Europeans); therefore I say quickly build our pa.

Tapihana replied.—What pa is that you are building? We have built our pa, and it is broken down and stained with blood. The wealth we had collected into our bag is scattered, it is thrown out into the fern, who shall gather it up again? (alluding to the men who had fallen at Taranaki).

Tomo Whakapo replied.—You may say that our pa is finished, but I do not. As for our blood, Christianity had stopped its flow, but we ourselves opened the wound (alluding to Maori quarrels). I shall not hastily see the correctness of your proposal: should I consent now we shall all be ruined at once. The Governor has been to Taranaki, and has returned to *whangaihau* (i.e., to sing and exult) over the slain: my thought is "How often shall my brother sin against me, and I forgive?"

William Thompson Tarapipipi.—I am disturbed by the letter received from Wm. King. I wish to understand the case, but do not see it. They (the Europeans) have forsaken the right way, they have become deranged like the king of Babylon who was turned into the forest. But let us not take up arms in an unrighteous cause. Ahab coveted Naboth's vineyard, and because Naboth would not give up the inheritance of his fathers, Ahab was greatly disturbed. Jezebel his wife saw his trouble, and said, I will give it thee. She brought Naboth to death by falsehood, and took it, but God avenged the deed. I do not forget some of the kings of Judah, who engaged in unrighteous war, how they perished in their sin. Therefore I hesitate and say, let us see our way. Wm. King says the land is his; Taylor says it is his. I say let us find out the owner. Do not make haste lest we make a mistake. I do not condemn the Governor, for I am not informed. As for the Queen, she is the minister of God, and the minister of God is not supposed to do wrong. If wrong be done, it is the fault of the Executive (te Kaihapai). I also remember the words of Paul, "Let every soul be subject "unto the higher powers, for there is no power but of God; the powers that be are ordained of God." I do not say, let us find out that the Governor is right, that I may join him; nor am I idle or unwilling to go to war if necessary, but let me have a just cause. I have heard, but I have not seen. Do you ask what shall be done if my proposition be accepted to go and investigate? If the Governor say that this (the Maori King) is the cause of the war, I see through it. If he say that it is the land, I see through that also. But I do not speak it, that is a matter not to be spoken here, it is a hidden word that is to be kept in the heart. We intend to keep our land, and if the Governor come to take another piece after this, then we shall have war. . . . . Let the subject be taken up and settled by the Chiefs. Let all questions be disposed of now we are assembled together. Shall we go to the Governor, or shall we join Rangitake? Let us search out the merits of the case, that if we die, we may die in a righteous cause. Let us find out who is wrong; if the Governor, then let us tell him to go. But let us not join in that which is wrong, lest like Israel of old, we fall into error, and die for it. My desire is to investigate the matter, and if the chiefs are convinced that the Governor has done wrong, then all unite in telling him to stand aside.

Te Waka (Ngatimahanga).—If the Governor has done wrong, then I assent to the proposal to ask for his removal; but if it turn out that all the evil has arisen from this movement of yours, how then? Do you see the boundary line that Wetini has drawn to divide the Maories from the Pakeha? I shall remove it (taking a piece of fern, and rubbing out the line that had been drawn in the sand).

Kapereira.—I accompanied Wi Tako on his return from Waikato. I wanted to have an explanation about the Parawai (the mat that Teira presented to the Governor). We intended to see W. King, but on reaching Waitara, we heard that war had commenced, that Pakehas had been killed; so Tako would not visit King. We saw Ihaia and Teira. Teira asked, For what purpose have you come? We replied, to inquire about the mat, and to take the truth back to Waikato. He said, The piece is small, the greater portion of Waitara is King's; mine is in the centre. Then came the news that Waikato was about to attack Auckland. I went to King and said, I have come to inquire about the mat. He replied, "The report is correct. I looked on in silence." I said, "That was your error, you ought "to have taken it away." "I did not," he replied, "I simply threw a word at the Governor, and "said to him, I will not give you my land; I did not take up the mat, but I spake my word. The "Pakeha wants our land; but this war is about your Maori king. Don't listen to the Pakeha, but "bring your flag to Waitara. Go back and clear them out; send them all back to England."

Kaperiera repeated what he had said at a former meeting.

Ihaka of Pukaki inquired—Did W. King speak to you?—Yes.

Ihaka.—What did he say?—He said he did not take away the mat, but called out that he would not part with his land.

Ihaka.—When was the land bought?—After the flag was upon it.

Tamati Ngapora.—I wish my proposals to be disposed of. "Rangitake give me that piece of land

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"that has caused the war." "Give me that piece that has been purchased and paid for by the "Governor."

Patene (Ngatimaniapoto) replied, representing W. King, "I shall not give it up."

Tamati Ngapora.—Give it to me.

Patene.—"I am under some mistake." He then planted a stick in the ground to represent Potatau and Waitara; and said, "This is Potatau; my mana stands there; after my mana rested on the land "the scrofulous man arose, offered it for sale, and the Governor accepted the offer."

Tamati.—That is Potatau, is it? and this land has been handed over to Potatau, has it? Then it is mine. I represent Potatau here, and I give this land to the Governor. (Tamati was instructed by Potatau to adopt this plan.)

Patene.—For what reason do you give that land to the Governor?

Tamati Ngapora.—That peace may be restored and our trouble cease.

Tioriori addressed Tamati.—You say you are the father. We have given our land and our mana to you, and we expect you to protect it, but not to give it away.

Hopa.—Proposals are made by Tamati. Look at them, they point the way to peace. Why should any of you be disturbed by Tamati's proposals, they are correct. If you go to Taranaki to join W. King, no peace will come out of that. If you think well to send a deputation to investigate the matter, good, go in peace, and when you are satisfied that the land was Teira's leave it to his disposal.

Ruihana.—Yes, let us go, Pakeha and Maori, if the land be Teira's all will be easy, but if we find that it is King's in whole or in part, how then? ("Divide it," was the reply from the crowd.) Let us go also to the Governor and have it settled, talking here will not settle it. The Governor ought to have informed us before he went to Taranaki, but he went first and informed us after.

Tomo.—Let us quietly search out the origin of this war. If the land be Teira's let him have it Wetini says, let us sympathise with W. King; let us hold the land. Tarapipipi says, let us inquire into it and see whether it is King's, and if partly Teira's and partly King's, divide it. The end of all is, let us look to God. Wetini has opened this path to preserve our land.

Tomo Whakapo.—I am thinking of the argument between Tamati and Patene. One says he is the father, the other says no, he is the father. I agree with Tamati, he is the father of us all, of men and land (i.e., he represents Potatau). This is our plan: we say to all who join this league, give us your land, and give us your person. Our first object is to make fast the land, our second to place our mana over it for ourselves. Men have heard in all parts of the island, and have brought their land and themselves too, and said, "Here is our land and our blood, hold them fast." When they have come and stood in my presence with these words, I have consented. I did not go to them, they have come to me. I did not call to them, they came unasked, and our flag has been carried far and wide; it has been planted first in one place, then in another; it has gone to Taranaki, and that land has been handed to us.

Hopa.—Did Teira come to you and bring his piece and hand it over to you?—I do not know that he did so.

Paora (of Orakei).—I perceive that you are very eager to pick out the errors of the Governor, but I have not discovered his error. You say that you have not seen wrong on the part of Te Rangitake. I have seen his wrong doing. Letters have reached you that convict him of wrong. Yet you say you have not seen it. I repeat I have seen it, and I believe there is not a chief in Waikato that is not convinced that Te Rangitake is wrong. I have seen Wi Tako's letter addressed to you all, and that letter set my mind at rest on the subject. You have all seen that letter, and its statements should settle the question. [Addressing himself particularly to W. Tarapipipi he said,] I have heard of your zeal in this work, and now I see it, what is it? You have nothing to say, the sharp edge of your sayings is this day broken off. I came expecting to hear the wisdom of Solomon, but I hear it not. The edge of your work is broken. Tamati has said he is father: that may apply to the land, but to nothing further. You speak of mana, what is the mana? Where is the mana? There is no such thing as putting mana on the land, and therefore he is wrong. I came to see the work you are doing, not to oppose you, but to see for myself. I thought it might be good, but it will not do for me. You have set up a king without authority, and this is the source of all our present troubles. (Signs of disapprobation.) Ah, you would silence all who do not agree with your plans.

Katene.—I have some questions to ask. The Governor and W. King have been at war some time, and blood has been shed. Now, should you find that King is wrong, and that he persists in his wrong, what shall we do? [One replied, "Take Waitara ourselves."] If the Governor demand the murderers, shall we give them up? If it were but the beginning and no war had taken place, we might see our way; but it is dark.

Patara.—If W. King be wrong, we shall say, Give to the Governor the land he has bought, but don't give up the men. If the Governor be wrong, then let the land return to Rangitake. Let us not get our fingers bitten at that place. About the murders: that murders were committed is not clear to me. It was *uru maranga*—(carrying on war begun); therefore I will not give up those men. The Governor came first; if those deaths had been first and war after, I should say surrender them.

Heta (Ngatihaua).—Make haste to hold the land—though it was Teira's, hold it.

Raihi.—The words of Heta may be all right if Teira approve, but if he has not consented that his land be given to Potatau what then?

Te Oriori.—Ruihana's proposal is not yet disposed of, viz., that we send a deputation to investigate the dispute between Teira and Te Rangitake. One part of it is decided, viz., that some of us go the Governor: but the other is yet open. I intend to attend the meeting [conference] that has

been summoned by the Governor, that I may learn his intentions. But the Maori side of the question lies open still, let that be settled.

Ruihana.—True, one side is disposed of, but the other is like this *kete* (taking a native basket in his hand, holding it up and asking), what does this *kete* contain? There is something inside, and a dog is biting away outside wanting to get at the food it contains. He does not know whether it is eel, or fish, or pork, but he bites his way through and finds it is only a bit of fern root. We are just like this dog; here we are biting away outside the *kete*, I want to get inside, to see what it contains, whether fish, or eel, or dung. I want to know who is right and who is wrong; whether the wrong is Governor's or Te Rangitake's, and what all this agitation is about. Perhaps when the basket is open it contains nothing after all. But let us see, and if the Governor be right, all is plain, it is soon disposed of. But if Rangitake be right, what then? Why the burden will fall upon the Queen, and upon our Ministers. I appeal to you, Ministers and Queen's men, and Pakehas all, I say you go to the Governor, and let Tarapipipi go to Taranaki and see what this basket contains. We pray to God and say, God be merciful to me a sinner; but we pray in vain while this state of things continues. Your words, Mr. Buddle, and the words of all our Ministers are right, on this subject; and therefore, I say, let us have this disturbance brought to an end.

Heta Ngatihaua (the young man who made the flags that were sent to Taranaki).—Press your words Ruihana, send a deputation to Taranaki, let us know when that land was paid for; before our mana reached it or after. If our mana was first, then we do not let it go, but support Rangitake in his right. This shall decide his claim. The money second, the mana first, we hold it fast.

Te Atua (Ngatipo).—It cannot be made right by the money. The money was not paid before the land was under our mana. The money on that land is the mana that rests upon it.

Kopara Ngatihinetu.—All subjects are disposed of but one. The question is, was the flag first or the money first? If the land was paid for before the flag reached it, the Governor is right: if not, then the matter cannot rest where it is. If the mana and flag went before, we must contend for our land. Our flags have been sent in reply to the applications that come to us. Letters have reached us from many places, saying, "Give me a flag as protection for my land." And I have sent the flag of King Potatau; I have sent it to Taranaki. Wi Tako, Hapuka, the men of Heretaunga, Rangitake, and others have come or sent, saying, "Give me a flag." We have replied, "Here it is." And now it is planted along the Island to Wairarapa. Don't say, I invited those tribes to comes for it. No, they came of their own will to seek protection for their land against the white man's encroachment. Let us have patience till our friends who have gone to Taranaki shall return, then we shall know the merits of the case. When we know how matters stand we shall form a second expedition. They may be here to-morrow.

Te Wetini.—I wish to reply to one question. If the Governor's money was laid down for the land at Waitara before it came under our law, then he is right. But if it was paid for after the land was handed to us, I do not say what we shall do. That we keep in our pockets; I open not my mouth on that subject; but I can see the depth and height, the length and breadth of that. I lean on our flag; on the whip (a long streamer they hoist, which they call the whip). The wrong committed on the Queen's side, it is for the Queen to adjust. The bond of union has been cut, and God and the Maories only now remain in the union. If the land was purchased after it became ours, then I shall show my love to Rangitake. (Here he recited a Native tangi, see p. 17 of Sir George Grey's collection.)

Tamati (Ngapaoa).—Te Heuheu, will you give that piece of land to me? (meaning Waitara).

Patene.—If I give up that, another piece will be purchased by-and-bye. How then?

Tamati.—Leave that to me; am I not your father?

Patene.—I do not consent, for this reason: that if I should, the same thing will occur again and again.

Tamati.—Shall I consider you as the father?

Patene.—All that I have done is this. I have received letters from all quarters handing over land to me. I have not gone and taken unauthorized possession of any man's land. I have coveted no man's property, nor said, hand over to me the lands of any tribe. When requested to accept land by letters which have come to me, I have done so, and on this ground I claim a right over those lands, and call them mine.

[*Pamphlet by Rev. T. Buddle*, 1860.]

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2. EXTRACTS from SPEECHES of CHIEFS at the KOHIMARAMA CONFERENCE in July and August 1860.

Wiremu Tamihana Te Neke (Ngatiawa), Waikanae.—Listen Pakehas! Listen also Chiefs of the Runanga. I will answer the public statement made by Mr. McLean on Thursday of last week (speech on the Waitara question), respecting the assent given by Te Awe, Wiremu Kingi, and Wi Tikao to the sale of Waitara to the Pakeha. I do not understand this. I did not hear the assent given for the sale of Waitara. I remember when Wiremu Kingi, Mohi Tohiroa, and Tuarau went to Aropaoa. The "Tory" [Colonel Wakefield's vessel in 1839] is the name of the vessel they went in from Kaputi. We, Tohiroa, Tuainane, and Te Matoa remained at Tahoramorea in the presence of Rangihaeata and Te Rauparaha. Why did not Wiremu Kingi and Te Awe declare publicly their consent to the sale of Waitara, in order that all the chiefs residing at Waikanae who had claims at Waitara might hear? I never heard of that consent of theirs; the only thing I heard of was Col. Wakefield's purchase; that I did hear about. The second thing I heard of was Potatau's sale; also the dispute between

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Wi Kingi and Kati at the Bay of Islands. I heard of that also. I heard of Governor Fitzroy's boundary, of which Mr. McLean has spoken; the Taniwha to the North, and Ngamotu to the South (were the points fixed). But the statement made that the payment for Waitara was paid, part of it at Waitara and the other part at Kaputi, I did not hear. [Mr. McLean here interposed and said that he had never stated that the payment was given at Waitara; what he said was, that the payment was given at Ngamotu.] The only distribution of payment which I witnessed was by Captain Rhodes at Waikanae, for land at Waikanae. If Wiremu Kingi and Te Awe had consented to the sale of Waitara, how is it that they do not remember the transaction? How is it that he (Wi Kingi) returned to Waitara? His father Reretawhangawhanga expressed a desire that he should return to Waitara. He is dead; Wi Kingi still lives. After this he went to Port Nicholson, and there assembled in the presence of Governor Grey. The object of our visit was to sell Waikanae to him. Governor Grey addressed William King and said, "Give (or sell) me Waitara." He did not consent. Governor Grey asked William King the second time, "Give me Waitara." He did not consent, but said to him, "I will keep Waitara; you take Waikanae;" neither consented to the other's proposal. William King did not agree that Waitara should be sold. Now, the second time the subject was brought up was when Governor Grey visited Taranaki in the steamer (H.M.S. "Inflexible"). Wiremu Kingi, Te Puni, and others were with him. They argued the matter there. Governor Grey did not yield to Wiremu Kingi, and Wiremu Kingi did not yield to Governor Grey. The boundary fixed by Governor Fitzroy is clear. Two things are not quite so clear. First, the agreement of Wiremu Kingi and Te Awe at Aropaoa; secondly, the distribution of payment. I did not hear of these. . . . . Listen, ye of this Conference! The laws of England are good, and the love of the Queen is good, but there are some men who abuse them. This is what I know! People came from England bringing good and true things; we examined them, and then we took hold of them and adopted them for our own use. We upheld the portion which you handed to us, and you still retained the other portion. We seized hold of the lower part, we did not secure the upper. This is not the first occasion on which we have been taught in what is right. We, through our ignorance, have been slow to learn what we have been taught. Pakehas have urged me to follow their plans; (that I did not do so) was my own fault and the result of my own ignorance. For this reason I say the laws of the Queen are clear, and so is her love. My own ignorance has been the source of my troubles. Enough about that. . . . . I shall not be strong (to speak) now about the fighting which is going on yonder. If the evil rested with me (i.e., with my tribe) alone, then I might speak. I, that is Ngatiawa, commenced it, then Ngatiruanui and Taranaki joined in it, and now Waikato also is implicated. If the evil rested with me alone, then I might endeavour to do something; had Ngatiawa alone been concerned, then I should have spoken with power. I have no influence in this matter. The evil will spread, and, perhaps, other tribes will become concerned in it. My evil will cause the death of men, perhaps, even the men (soldiers) from Australia will die for this evil. It is a waste that men's lives should be lost in this war.

Te Rira Porutu (Ngatiawa), Wellington.—I have no views to express. Those subjects are disposed of. I have only one matter to speak of, and that is to find fault with my own tribe. They are wrong in two respects, namely, in withholding the land and in shooting Pakehas. . . . Te Awaitaia, listen! I made two charges: that they withheld the land, and that they killed Pakehas; for these Pakehas were not killed in fair fight. Those whom I have named are the chiefs. My words of disapproval have gone forth; you have heard them. Have I not made two (charges)? Then do not say that I do not blame my tribe.

Tamihana Te Rauparaha (Ngatitoa), Otaki.—Now with reference to William King. He was a peaceful man when he resided at Kaputi. He listened to the advice of Governor Grey. He also apprehended some of Te Rangihaeata's men, and conveyed them to the steamer (H.M.S. "Driver"). After his return to Taranaki he became badly disposed. He was led into it by the (returned) slaves of Waikato, and he continued to grow in evil. It was Te Rangitake who advised the Ngatiawa to return to Taranaki. That was the reason of their returning. Their avowed object in returning to Taranaki was to cultivate Christianity and the worship of God. When they returned they did not remain quiet, but commenced quarrelling amongst themselves, and continue to do so to this day. They afterwards returned and fought with the Pakehas. Where we (the Maories) are in fault, is this,—we cleave to our old customs, namely, wickedness and fighting.

Hohepa Tamaihengia (Ngatitoa), Porirua.—Listen, this Conference! Wairau was the first cause of evil. I went to retain my lands. When Capt. Wakefield and Mr. Thompson saw this they intended to do us harm by taking both us and our land. We thought it would not be just to take both us and our land. It appeared to me that the right course was to spend three days in the investigation of the matter, and then we might decide upon giving up one part of Wairau. Mr. Thompson thought differently, and was for seizing the Natives. Evil commenced here. Mr. Thompson gave the order to fire upon us, and they fired, and one of the Natives fell. This provoked us; we fired upon the Pakehas and killed ten of them. This secured our land to us. Governor Fitzroy arrived and made a fair arrangement about the payment for the land. The subject of Taranaki was discussed according to the words of the Natives contained in that Bible (Blue Book). Waitara had long since been given up. I did not hear anything of a certain tribe, viz., Ngatikura. In my opinion Teira's piece of land is his own, and he has a right to sell it to the Governor. I condemn William King. When Governor Grey arrived he demanded the place where the Pakehas were slain at Wairau. We consented to this. When the Pakehas were slain by Te Rangihaeato at Heretaunga (Hutt), Heretaunga was given up as payment. At Whanganui, when Pakehas were slain there, one side of Whanganui was given up as payment for the slain. Now I ask that I may be allowed to go to Waitara to see Wiremu Kingi, that I may speak to him face to face (mouth to mouth), that I may tell him to put a stop to his doings. My speech is ended.

Tamihana Te Rauparaha (Ngatitoa), Otaki.—I have now something to say in condemnation of the conduct of my son, Te Rangitake. I refer to his taking Te Teira's land and thereby causing the present war. When he was at Kapiti I understood the conduct of Te Rangitake. During Te Rangihaeata's disturbances with the Pakehas at the Hutt (Wellington), he requested the co-operation of Te Rangitake, but he (Te Rangitake) did not consent. It was the returned slaves from Wakaito who instructed him in evil. That land belonged to Te Teira. He inherited it from his ancestors. When they resided at Kapiti no boundaries were fixed. The Pakehas came, bringing the Gospel and peace. The result was that the slaves were liberated. It was only when he returned to Waitara that Te Teira became acquainted with the boundaries (possessions) of his ancestors. The case is similar to ours. The lands of our ancestors are at Kawhia and Maungatautari. There are probably boundary lines, but I do not know them; perhaps the old men remember them. It was a deserted land. It was not left as the Pakehas leave their lands, the title deeds being in the possession of their children. The statement that Te Teira is a man of inferior rank is true, for when they resided at Waikanae others were considered the chiefs, namely Reretawhangawhanga, Tohiroa, Te Awe, and others. Te Raru, the father of Te Teira, had no voice (as a chief); but when he got back to Waitara, to the land of his ancestors, then he spoke with authority as to the possessions of his forefathers. Therefore I say that Te Teira's conduct is straightforward, but William King's is wrong. William King tries to maintain his land-holding influence (*mana-pupuri-whenua*), the "mana" of New Zealand; but perhaps one reason is jealousy of the Pakeha. I have land at Rotorua by virtue of my mother, but perhaps her relations who occupy it would not admit my claim. Nevertheless it is true that the land is mine. Now, if I should ask the old men to point out the boundaries (of this land), they would probably say that they had forgotten them. Perhaps this is the case with Te Teira and Wiremu Kingi. Te Teira (declares that he) knows the boundaries of his ancestors. One thing I must remark on, namely, the extent of this piece (of land)—500 acres. No single individual ever cultivates so large a plantation as that; however that may include the claims of Ropoama and others, and this may account for its extent. We know very well that according to our customs, might is right. Our Maori plan is seizure. Let us inquire into these matters. Kapiti, for instance, was taken. The chieftainship of that belongs to me. According to Maori custom, when a man prevails in a struggle he claims it (the land). Now let us approve of the course pursued by Te Teira. He sold (the land) under the light of day. He gave a *parawai* as a covering for this land. William King did not take it away so as to repudiate Te Teira's claim to the land. Should I come forward and offer land for sale, perhaps some relative of mine would say "You have no land." In that case, if I had strength I would carry my purpose. We, the Maories, have no fixed rules. Consider this case: the land now belonging to Ngatitoa was taken by them from the original occupants; they gave a portion of it to Ngatiraukawa, and another portion to the Ngatiawa—to the tribes who were always kindling fires (or residing) on that land.

Hohepa Tamaihengia (Ngatitoa), Porirua.—Listen, ye of the Runanga. My words shall have reference to my land; afterwards I shall speak about Taranaki. . . I shall now speak about Waitara. I shall not attempt to oppose the Governor's plan. Let the Governor's plan be allowed to stand. What we are now looking at is the Maori side. Leave the Governor's plan to himself. But if the Maori side be arranged, then let the men go and carry the words of this Conference to Wiremu King. I shall urge this a second time, and a third time, and even to a sixth and seventh time. If I am not listened to after the seventh appeal, then I shall say, I will endeavour no longer with you. The old men, Manuwhiri and Takaratai, who may make the path and inquire into this evil, are still living. I say nothing about the disputed piece of land at Waitara—that belongs to the Governor; that piece of land will not occasion much concern. Consider this: the rain descends and it is afterwards fine; the gale bloweth and it is followed by a calm. So it is with man. But perhaps you (the Pakehas) are strong to keep up your anger; for you are a people accustomed to that work. I shall continue to urge that the Waitara affair be settled.

Horomona Toremi (Ngatiraukawa), Otaki.—Port Nicholson had been sold by Ngatiawa. They then sold Taranaki. The boundary was at Mokau; it was Mr. Spain who fixed it at Parininihi and Te Taniwha. I therefore concluded that Ngatiawa had sold their lands to the Pakeha. Potatau saw this and sold the very same land; the boundary of the land sold by Potatau extended as far as Piraunui. What is the use of preferring a claim to lands already sold, and taking forcible possession again? I have finished on that subject.

Hukiki (Ngatiraukawa), Otaki.—I will now express my view about Taranaki. When Teira sold his land and laid down the parawai as a pledge, William King did not come to take up the challenge, but went away.

Hetaraka Nero (Ngatimahanga), Whaingaroa.—My words refer to Te Teira and William King. Mr. McLean and the Governor were staying at that place (Taranaki). When the land was offered for sale, Mr. McLean investigated the title according to the custom of land purchase. The nature of Te Teira's claim induced the Governor to side with him; then William King was grieved, evil sprang up in his heart, and he declared war with the Governor. Subsequently there was murder, and the evil then assumed a more serious aspect. I shall now speak of Waikato. The Waikato (people) set up a Maori king. The object of this was to hold the land. When Te Rangitake heard that his own idea was being carried out, his heart rejoiced. I am speaking ill of Waikato and Wiremu Kingi. I say, that evil will increase. In these times my ears have heard indistinctly that those tribes have been acting treacherously, and the opinion (respecting them) cannot be concealed. This Island is filled with the evils of the Maories. I am willing that you should go and carry goodness to that place. These are the good things—peace and goodwill. But there is no atonement for these offences against the Government.

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Arama Karaka (Te Uriohau), Kaipara.—Mr. McLean has said that there are two roots. My thoughts are dwelling on that. I shall also keep my attention to the Taranaki question. I shall give utterance to my thoughts, that you may hear them. The Gospel weighed on the minds of men, and the light of day shone forth. Then Rangiheata said, Let there be night, and it was night. Ngapuhi did the like. By carrying the Gospel to the dark places, light sprang up. In this instance William King is sitting in darkness; let him be brought into the light. Listen you!—Mr. McLean and Mr. Smith. The land belonged to Te Teira and William King. Te Teira parted with his portion. William King saw this, and he thought that his half was not left to him. I say, let William King's half be made good to him. If the Conference should go to Taranaki, and say to William King, "Give "up the land to the Governor, and you shall have one half of the payment," and he should refuse, then the Governor is right and he (William King) is wrong. This is a suggestion of my own; it is not an opinion emanating from the Conference.

[*In Maori Messenger, published by authority in the Native language; July, August, and Sept.* 1860.]

3.—EVIDENCE of HONE WETERE (WAIKATO CHIEF) before the SELECT COMMITTEE of HOUSE OF REPRESENTATIVES on WAIKATO AFFAIRS, 1860.

What special errand has brought you to Auckland?—The cause of my coming is the going to Taranaki. Tapihana and Tuhoro said to me, "Let us go to Taranaki and fight." I replied, "Let "us fight here." He said, "Let us go to Taranaki to fight, for we have sinned there. We therefore "say, let us go there and fight. You go to Auckland, and then let us all go to Waitara and fight. The "fighting that we shall engage in there will be talking for this war to end. If indeed the land was "here in Waikato, it would be right for us to talk here; as it is, Waitara is the land about which we "have sinned, let it therefore be taken there, there let us talk. There also let you and Mr. McLean "look and see whether the people are right or wrong; and let this war be terminated upon that land. "If the Governor says that the war shall not end till the people are killed, good and well. This is "all that we two have to say to you." I was then sent by the old Chiefs at Kawhia, by Kikihoi and Takerei, to bring their words, in order also that they might hear the word of the Governor, as to whether the war should continue or cease. These were the two words mentioned to me by those old Chiefs. Was it to be still persisted in, or was it to end?

[*In Sess. Pap. Gen. Assembly*, 1860, *F. No.* 3.]

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4. EXTRACTS from LETTER from IHAIA and TAMATI addressed to the NEW PLYMOUTH SETTLERS.

FRIENDS.—Formerly we, the Maoris, alone lived in this New Zealand; we did wrong one to another, made war on one another, we ate one another, we exterminated one another. Some had deserted the land, some were enslaved, the remnant that was spared went to seek other lands.

Now this was the arrangement of this [Ngatiawa] land. Mokau was the boundary on the North, Nga Motu [the Sugar Loaves] the boundary on the South: beyond were Taranaki and Ngatiruanui.

All was quite deserted; the land, the sea, the streams and lakes, the forest, the rocks, were deserted; the food, the property, the work was deserted; the dead and the sick were deserted; the land marks (or divisions of property) were deserted.

Then came the Pakeha hither by sea from other dwellings,—they came to this land and the Maoris allowed them,—they came by chance to this place,—they came to a place whose inhabitants had left it. There were few men here,—the men were a remnant, a handful returned from slavery.

And the Pakeha asked, "Where are the men of this place?" and they answered, "They have been "driven away by war; we few have come back from another land." And the Pakeha said, "Are you "willing to sell us this land?" and they replied, "We are willing to sell it that it may not be merely "barren; presently our enemies will come, and our places will be taken quite from us."

So payment was made; it was not said, "Let the place be simply taken," although the men were few; the Pakehas did not say, "Let it be taken," but the land was quietly paid for.

Now the Pakeha thoroughly occupied the purchase made with their money; and the Maoris living in the house of bondage, and those that had fled, heard of it; they heard that the land had been occupied, and they said, "Ah! ah! the land has revived, the men have revived, let us return to the "land." So they returned. Their return was in a friendly manner. The thought of the Pakeha was "Let us dwell together, let us work together."

The Maoris began to dispute with the Pakeha. When the Governor saw it, he removed the Pakeha to one spot to dwell. Afterwards the Pakeha made a second payment for the land, and afterwards a third; then I said, "Ah! ah! very great indeed is the goodness of the Pakeha, he has not said "the payment ceases at the first time."

My friends the Pakeha, wholly through you this land and the men of this land have become independent; do not say that I have seen this your goodness to-day for the first time; I knew it formerly. At the coming here of Governor Grey I was urgent that the land might be surrendered and paid for by him, that we might live there together, we the Maori and the Pakeha. And my urgency did not end then, but continued throughout the days of Governor Grey, till the death of Rawiri.

The death of Rawiri was owing to obstinacy about the land. Rawiri was killed for his friendly disposition to the Pakeha. My interference on the occasion of the death of Rawiri was because I thought him a man favourable to the Pakeha, a man whose opinion was like my own; if he had been evil-disposed to the Pakeha, then I should not have interfered; if he had been a parent or relative, I should

not have interfered. But, however, Rawiri and the rest were dead: it was by God that they were made chiefs of the land, and I was urgent that the land should be a payment for their deaths. By the obstinacy of Katatore, he became a payment. If he had yielded, the land would have died, he would have been spared.

Although after his death all the *hapu* gathered together to overthrow and kill me, I was urgent for the sale of the land. Although my pa, the "Karaka," was besieged, that I might be killed, when I earnestly prayed God that I might be saved, I urgently wrote to the Governor that he would purchase the land. However, I arrived at Mimi—(I know that the Governor is a parent to me)—I was urgent at that time about the sale in my letter to the Governor: although my word at that time did not influence him, what was that to me? My urgency is fixed in my heart. Although peace was renewed to me, I did not say, through this peace I shall be preserved; but I consider that my security is from the Pakeha. And at this day I know my security is great, for the Pakeha is a bulwark for me against destruction.

This is all from IHAIA KIRIKUMARA,
and TAMATI TIRAURAU.

[*In Taranaki Herald, July* 1860.]

Waitara, July 15, 1860.

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5. EXTRACTS from LETTER of Rev. RIWAI TE AHU to the SUPERINTENDENT of WELLINGTON.

We never imagined that this Governor would adopt a course different from that of other Governors. They, failing in their endeavours to obtain that land, desisted. Now, we are altogether perplexed, and exclaim, Alas! this is a new proceeding on the part of our Queen. But we think that the Governor must have been deceived by Teira and those acting with him, and the Land Commissioner of Taranaki, and that is why he was so hasty in sending his soldiers to Waitara to frighten the men and women who turned his surveyors off their own pieces of land, and land belonging to us, in order that he might seize those lands. For instance, Mr. C. W. Richmond writes, Taranaki, March 1860 (which has been heard by everybody), "Teira's title has been fully investigated, and is perfectly good; there is no one to deny his title." Yes, his title is good to his own pieces within the boundaries of that land—two or three pieces. Our title is equally good to our own pieces: some have one, or two, or three, or four within that block. William King stated this; but what he said has been misinterpreted by the Land Commissioner of Taranaki, who asserts that William King said the whole of the land was Teira's. It was his determination to take the land by force, and his ignorance of the Maori language, which made him pervert what William King said.

Now we deny the following statements which have been put forth—That the land is Teira's, that it belong to his tribes, to Ngatihinga—and that they allowed William King to live on that land after his return from Waikanae—that his occupation of it was unjustifiable, and that he had never before occupied it. Do they mean to say that the land did not belong to William King, and that he had no right to object to the sale? Listen. This statement would only be believed by Pakehas and tribes who are strangers to the facts of the case; but we of Ngatiawa, who live at Waikanae and Wellington, Queen Charlotte's Sound, and Massacre Bay, we will never allow Teira's title, or say that William King has put forward an unfounded claim. Only those members of Ngatiawa who are deceiving the Government and the Pakehas will deny William King's claim or uphold Teira's. The Land Commissioner of Taranaki seemed to imagine that Teira and his party are the only members of the Ngatihinga and Ngatituaho; they did not seem to know that Wiremu Te Patukakariki is the chief of that *hapu*. Besides Nopera Te Kaoma and others who are of those *hapu*, who did not consent and whose objections were not listened to by the Land Commissioner at Taranaki. Listen. It was Wiremu Te Patukakariki's wife and their two daughters with some other women of that *hapu* who turned the Government surveyors off their own pieces of land.

Now this land was not divided into different portions for the different *hapu* for Ngatihinga and Ngatituaho, and for Ngatikura and Ngatiuenuku and other *hapu*, holding within the block which has been purchased by the Governor. No, they were all intermingled; the boundaries of each individual's having been marked by stone-posts by our ancestors: besides these *hapu* are not of two different tribes; they are all of one tribe. All these different portions of land have names given them by our ancestors: the name of William King is *Te Porepore*. One portion of land belonging to his son and daughter, which was the property of their mother, is that on which Te Hurirapa's pa stood, which was burnt by the soldiers. Another portion of land is at Orapa, to the south of where their old pa stood. All these portions are contained in the block asserted to be Teira's; and have all been taken by the Governor.

All the portions of land belonging to us and those who opposed the sale—Ngatikura and Ngateuenuku and some of Ngatihinga and Ngatituaho, besides portions which belong to the *hapu*, have all been included in the block of land which the Land Commissioner of Taranaki asserts to belong to Teira alone. What can be the meaning of this expression—"William King was permitted to live on "that land by their consent, when he returned from Waikanae?" Who can venture to make such an assertion? It was no such thing; each man knew the portion of land inherited from his ancestors. Was it by their assent that Te Porepore became the property of William King when he returned from Waikanae? Was it by their own permission that Te Hurirapa became the property of his children when they returned from Waikanae—which has been taken away by the soldiers? Was it by their permission that our lands, inherited from our ancestors, became our property—which lands have been taken from us at the point of the sword? In my opinion, such an assertion is like deadly poison.

According to the opinion of the Land Commissioner of Taranaki, Teira was quite justified in asserting his right to sell the whole of that block, and William King was utterly wrong (in denying it). In our opinion, Teira's act was a great crime, and nothing can be said in his behalf which can hide his unjust act.

[*Sess. Pap. Gen. Assembly*, 1860, *E. No.* 4.]

Appendix E.—Miscellaneous Papers.

I. Extracts from Speech of the Chief Justice of New Zealand in the Legislative Council 29th August 1860, on the Motion for an Address to the Governor approving his Policy.

I pray the House to bear with me while I refer to a few of the leading circumstances by which his Excellency was forced into the present war.

Sir, it seems to me that from the moment when, in the beginning of March 1859, Te Teira offered for sale his interest in that block of land and placed his mat before the Governor's feet in token of its surrender, his Excellency was bound by every consideration of treaty and of justice to accept the offer to the extent and upon the conditions on which he then accepted it. I think further, that from the moment when Wiremu Kingi, after passing with insult and defiance from the Governor's presence upon that occasion, after declining for twelve months to explain the nature of his own claim (if such he had) or the grounds of his prohibition upon the sale; after resisting the survey by force, and rising with his followers in arms;—when, I say, after these events this same chief refused even to meet his Excellency under a written promise of safety, but responded to the Governor's forbearance only by war-dances, war-pahs, and the murder of unarmed settlers, his Excellency had no alternative but to accept the issue thus forced upon him. Sir, I have sought in vain through the mass of papers printed for our information for evidence of that haste and precipitancy which has been hinted rather than imputed to the Government. After the first offer by Te Teira in March 1859, his importunities were incessant. The letter of the 15th of March 1859, from himself and Retimana, was followed by that of the 20th of March following. Again, on the 20th of April 1859, his letter is signed by himself and three other claimants, while that of May 23rd in the same year has seven signatures. These were followed by the letter of the 18th October 1859, and lastly, his pressing appeal of the 19th January 1860 is guaranteed by the signatures of nine other Natives urging the completion of the purchase. Nothing could be more earnest than the language of these appeals to complete a sale, which the pre-emptive right of the Crown restricted these claimants from effecting with any other purchaser whatever. And what course did his Excellency pursue? There was no subterfuge, no possibility of mistake. Having accepted the original offer only upon condition that the title was undisputed, and dealing with Teira as for a proprietary right, the Governor wrote, through the Assistant Native Secretary (Mr. Smith), both to Te Teira and Wiremu Kingi those explanatory letters of the 2nd April 1859. He told Te Teira, "The Governor consents to your word, that is, as regards your own indi-"vidual piece, but be careful your boundary does not encroach upon the land of any person who objects "to sell." To Wiremu Kingi himself he wrote thus: "Word has come from Te Teira offering for sale "his piece of land at Waitara. The Governor has consented to his word, *that is, as regards his own "individual piece, not that which belongs to any other persons.*" The same anxiety to avoid injustice is shown by the letter of the 19th July 1859, wherein Mr. Smith answers Te Teira with assurances of the Governor's purpose, but adds, "The Governor is in favour of the land being purchased, but the "best thing, in his estimation, is for peace to be preserved at Taranaki." But, Sir, there is one remarkable fact patent upon these papers, which I ask the House to remember; for it has been alleged, not only that the claims of Wiremu Kingi were disregarded, but that the District Commissioner at New Plymouth (Mr. Parris) hastened the purchase, and provoked the war. Let hon. members consult the correspondence, and they will find that Mr. Parris actually held back the purchase in his anxiety for peace; Te Teira, in his letter of the 20th April 1859, even remonstrating on this ground: and Mr. Parris, in one of his letters, excuses himself for having delayed taking steps in the matter, by alleging that he was awaiting the result of meetings to establish peace between Wiremu Kingi and Ihaia, a circumstance which I shall recall to the attention of the Council when I deal with another branch of this subject. And what meanwhile had been the bearing of Wiremu Kingi? He had been informed that his Excellency meant to deal only with the proprietary right to one individual piece of land. In what spirit was his Excellency met? I will not weary the House by referring in detail to all the facts which have been so long before the public, although I will not intentionally omit one that appears to me to affect the questions raised by this address. Honourable gentlemen know what passed, when, on the 29th November 1859, the instalment of 100*l.* was paid by Mr. Parris to Teira, in the presence of Wiremu Kingi, who had been invited to come and explain the meaning of his objection; how Kingi contented himself with statements such as, "The land is theirs, but I will not let them sell it"—"although they have floated it, I will not let it go to sea;"—and so on. But I do ask hon. gentlemen to remember that, while he is reported to have met the candour of his Excellency, by meanwhile intriguing with the party of King Potatau on the Waikato, they will not find a trace of any assertion of right as belonging to himself. It will be seen from the accounts given by his Excellency, as well as from Mr. Richmond's memorandum, that when Teira offered the land for sale in the presence of Wiremu Kingi, other Natives rose and stated their proprietary rights. They were at once heard, and their claims entertained. W. Kingi therefore knew from the outset that he had only to propound the

nature of his claim in order to secure his utmost right. But he would not. "Waitara belongs to the whole of us;" "The land shall never be given to you;" "I will not let them sell it;" and such like defiant but unexplained protests are all that could be extracted from him during a twelvemonth of patient investigation. I am aware that I shall be told, the words in Maori have a profound and hidden meaning not intelligible to the unlearned. And when we have applied our simple faculties to apparently plain expressions, some recondite Maori scholar tells us, "Oh! if you knew the habits of "thought of the Native mind, you would discover that those expressions convey a meaning very "different from the plain import of the words themselves." To be sure, the scholars themselves may differ upon the interpretation; but, Sir, his Excellency is compelled to act upon the light afforded to his understanding. Was it then too much to expect that even Wiremu Kingi, lofty and proud and ancestral chief as he may be, should have condescended during the interval between March 1859, and March 1860, to state the meaning of his conduct? But no! after twelve months of sulky defiance, he treated the interview proffered by Her Majesty's representative with scorn; Mr. Parris and another gentleman, with Mr. Whiteley, a Wesleyan missionary, were bandied from place to place, and when Mr. Whiteley at last found and prevailed on this (so-called) proud chief to admit a conference with Mr. Parris, the utmost of his condescension was, that he would send his decision to his Excellency next day. I do not understand those gentlemen, who find in such conduct and language an intelligible claim of right to land, or any other declaration than a declaration of war. Notwithstanding all this, it may be said, it was in the Governor's control, whether he would originally accept Teira's offer, or at length accept Kingi's challenge. In one sense it was, viz., in that any man may physically control the motion of his own limbs. No doubt it was within the Governor's control whether he would direct the survey to proceed in the sense suggested, but it appears to me the conduct of Wiremu Kingi left nothing to a sense of duty but to order that survey. And when to the above facts I add this one, viz., the ready supply of powder and ball cartridge in the hands of the Natives around Taranaki, I cannot resist the conclusion that the enemy had long been preparing for the issue of peace or war, which at length was cloaked under a prohibited land sale, and which the Governor had no alternative but to accept. Sir, I will not discuss Wiremu Kingi's title. A large proportion of these voluminous papers is devoted to that question, which is, in my view, immaterial in considering the present address. Indeed, this House, and the General Assembly of New Zealand, have selected me, as the only man in our Colonial Parliament not capable of forming an opinion upon Maori title. By the "Native Territorial Rights Act 1858," an Act which, although disallowed by Her Majesty, had been sanctioned by the General Assembly, "It is declared that no Court of Law "or Equity within the Colony hath or ought to have cognizance of any question of or affecting the "title or right of occupancy of the Aboriginal Natives, as amongst themselves," except in cases bearing no analogy to the present. I am compelled to personate a Court of Law and of Equity, and so am relieved from all responsibility. True, I have carefully considered the whole of those printed papers, and have obtained a proof of Archdeacon's Hadfield's evidence, and contrasted it with Mr. McLean's. I have found much inconsistency and contradiction but no novelty, and have derived from their perusal this consolation, viz., of reflecting that little as I know of the Native Title, of the (so-called) "Maori law of real property," the generality of people even of the learned, the *periti*, know little more. . . . . On the present occasion it is enough to say that if Wiremu Kingi had any title, tribal or otherwise, he owes it to himself that his title was not recognized; seeing that the purchase from Teira and others was not hastily concluded, and that while his Excellency's conduct was marked by patient and thoughtful reserve, he was met not only with defiance, but contempt. But, Sir, when I assert that His Excellency was forced into this war by circumstances beyond his control, I look a little beyond this isolated purchase of Teira's land. I ask in what condition His Excellency found the native race? And when it is said that King's dispute should have been referred to some tribunal, I ask what tribunal? If you tell me to the Commissioners, I ask what Commissioners? If Kingi had been summoned before some tribunal and had, as assuredly he would have, refused to come, what then? Sir, the position of the native race with reference to titles to land is a most extraordinary and anomalous one. They are practically without rights, for they have been lately pronounced by the Law Officers of the Crown to be without a remedy.

[*Debate in Legislative Council, August* 29, 1860.]

II.—Extracts from Speech of the Hon. W. Swainson in the Legislative Council, August 29, 1860.

As to the validity of the purchase, I am aware that from the outset very confident opinions on both sides of the question have been expressed by very many persons having, as I believe, very imperfect information on the subject. I believe with the Native Minister, Mr. Richmond, that "the question of title is one on which persons not versed in the intricacies of Native usage "cannot expect to form an independent judgment." I believe that to effect a safe and satisfactory purchase of land from the Natives of New Zealand requires as much time, as much care, and as much knowledge of the Native law of property as to complete the purchase of an English baronial estate. And, speaking for myself, I have not yet had before me the information necessary to form a sound conclusion; and as to the validity of the Waitara purchase, up to the present moment I have held my judgment almost entirely in suspense. But however valid the purchase may have been, the circumstances which have arisen out of it have brought strikingly to light the want of some regularly constituted tribunal for judicially determining disputed claims to land. It may be in the recollection of some members of the Council that by the "Native Territorial Rights Bill," passed during the last session of the Assembly, it was distinctly declared that the Courts of Law have no cognizance of any question affecting the title of the

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Natives as amongst themselves, to land over which the Native title has never been extinguished. And I believe that by persons at a distance ignorant of the great difficulty of the subject, it will be thought a thing incredible that after the lapse of twenty years, that after the British Government have for twenty years professed to govern the country, one half of Her Majesty's subjects in New Zealand, the acknowledged owners of the soil, should be left without any recognized law and without any constitutional tribunal for legally determining their conflicting claims to land; and that having no law and no tribunals, they are literally left without an alternative, in case of dispute, but to have recourse to arms. I do not mean to say, Sir, that if any such tribunal had existed, the Native disturbances at Taranaki would never have arisen; neither do I make the remark in disparagement of the present Ministry. I believe that the present Government is no more to blame for the want of such a tribunal than the Government who have preceded them. I am the more careful to make this statement because the Governor has been blamed, but as I believe unjustly blamed, for not having submitted the claims of William King to a Court of Law. The Governor might indeed have held his hand, but it was impossible for the Governor, without the aid of the Legislature, to constitute a tribunal whose decision should have any legally binding force. I rejoice to observe, however, that his Excellency is alive to the need of such a tribunal, and that in a message to the Native Conference at Kohimarama, he has pointedly submitted the question for their special consideration; and I trust that the Government themselves will lose no time in endeavouring to ascertain in what manner a Land Court may be so constituted as to secure the confidence of the Native people. * * * As to the justice of the war, Sir, depending as it does on the validity of the purchase, I have as yet arrived at no conclusion further than this: that until the contrary shall be proved it is due to the Government to assume that their proceedings have been just. The time will no doubt come when the case will be fully investigated and dispassionately judged, and I yield to no man in the earnest hope that it will be found that throughout the whole of the proceedings our quarrel has been just. I cannot even contemplate the possibility of any other conclusion without pain.

[*Debate in Legislative Council, August* 29, 1860.]

III.—EXTRACTS from EVIDENCE of the Right Rev. the LORD BISHOP of NEW ZEALAND, before the Select Committee of the House of Representatives on WAIKATO AFFAIRS, October 1860.

1134. Did you observe that in that period the desire to be governed by English Law was increasing or otherwise among the Natives?—I observed in my last journey, all along the East Coast, a decided falling back into a state of anarchy, accompanied, certainly, with a deep feeling that things were going wrong. They again and again lamented it. At Tauranga, I found a Native war; another at Wakatana; another scarcely settled at Tumupahore; a fourth at Ahuriri, partially settled, but likely to break out any time; besides the unsettled question which I had seen in the previous year at Taranaki. The one cause of all these Native wars was land; land disputes, I mean, between the Natives themselves; but I believe aggravated by the idea that the land, if not claimed by the party believing themselves to be the rightful owners, might be sold without their consent to the Government. I attribute many of these Native quarrels to the increased excitement generally prevailing about the purchase of land; but not to any specific act on the part of any Government officers engaged in the purchase of land, except perhaps in the case of Taranaki. The substance of my answer to the question must be, that there has been less law and more anarchy than formerly, with a real and earnest desire for a better state of things. I say this as the general characteristic of the Native mind throughout the island.

1152. Will you explain more fully what you meant by saying, in a former reply, that, in cases where Natives were quarrelling among themselves about land, their quarrels were aggravated by the idea that, unless the land forming the subject of dispute was claimed by those who considered themselves its rightful owners, it might be sold without their consent to the Government?—I believe that the feeling of the Natives was that if they did not assert their rights, they would be held barred by *laches*. They did not know but that any particular piece of land might be sold at any moment. I believe that it is in accordance with Native customs that any person not asserting a claim at the time of sale would be barred.

[*Sess. Pap. of General Assembly*, 1860, *F. No.* 3.]

IV.—EXTRACT from LETTER of Rev. J. MORGAN to the Select Committee of the House of Representatives on WAIKATO AFFAIRS, October 1860.

. . . I will, however, reply briefly to the several points brought forward in your letter.

I. Question.—"The true causes of the origin and progress of the King Movement, its present aspect, its future direction?"

First. "The origin of the King movement." 1st. A land league to prevent the sale of land by aboriginal tribes or owners to the Government; or the private sale of such lands to individuals of the European or "Pakeha" race. 2nd. A desire to stop the rapid advance of European colonization. 3rd. A desire to introduce a code of laws suited to their own state and requirements. 4th. And chiefly, a desire to establish, first in the Waikato, and afterwards gradually in all Maori districts, an independent sovereignty over all Maori and European residents in such districts. Many of the aborigines saw with fear the rapid advance of European colonization, and the earnest desire of the Pakeha to obtain possession of their lands. They also noticed what they considered the confined bounds to which some

tribes who had sold land were reduced. As the promoters of this league knew that there many tribes favourably disposed to the sale of land and European colonization, they felt that their league would be powerless, unless they could unite the various tribes of Waikato, and afterwards other districts, under one chief or king, whose flag, when received even by the minority of any tribe in any district, should over and prohibit the sale to Europeans of all lands in such district.

Second. The aborigines feared, as their own numbers were being so rapidly diminished by death, that, unless European colonization could be arrested, that the white settlers would in a few years greatly outnumber them, and that then the Treaty of Waitangi would be set aside, and their lands seized by the English Government.

. . . . . The present aspect of the King movement in Upper Waikato is warlike; not that the Kingites wish for war for the sake of war, for they rather wish for peace, but they desire to be allowed quietly to carry out their plans; and there is on their part a determination to establish and uphold in all Maori districts an independent sovereignty over all the Maories and Europeans resident therein, to the utter exclusion of any interference on the part of the Government; or, in other words, the vital question with the Maori Kingites now is, whether the King or the Queen shall possess the *mana* of New Zealand. Hence the frequent expressions of the Waikatos now in arms, "We are going to fight for New Zealand. We sent them (*i.e.*, to Taranaki) the flags, and it is our "duty to follow the King's flag. We are fighting for the *mana* of our island." The Maori King movement is the strength of the Taranaki war. I must, however, remind the Select Committee of what I stated on the second page of this letter—the fears entertained by many of the aborigines that as soon as the white settlers outnumber them, the Treaty of Waitangi will be laid aside, and their lands seized by the Government.

"Its probable direction."—This entirely depends on the issue of the present war; which, on the part of the Waikato, is a struggle for the *mana* of the Maori king, and not for the small piece of land sold by Te Teira at Waitara. They only considered that small block of land as it refers to the *mana* of the king over all lands on which his flag has been planted; or, in other words, the Waikatos would resign that particular spot, if Wm. King would also do the same: provided that the Governor would promise not in future to purchase lands in any district in which the king's flag had been hoisted.

[*Sess. Pap. Gen. Assembly*, 1860, *F. No.* 3.]

V.—Extract from a Pamphlet on the King Movement by the Rev. T. Buddle, 1860.

As there is frequent reference to the Taranaki war in the speeches delivered at the Meetings held in connexion with this King movement, it may be necessary to notice its origin. When his Excellency the Governor visited New Plymouth in March 1859, a block of land situated on the south bank of the Waitara was offered for sale by a chief named Teira, supported by his friends who were joint claimants. The Governor accepted the offer, provided that the ownership of the land was undisputed, and Teira laid at his Excellency's feet a *Parawai* (a Taranaki Mat) as a symbol that the offer was accepted. William King was present, but did not take away the Mat, as he should have done according to native custom, if he wished to deny Teira's right to sell the land: nor did he condescend to assert in a becoming manner any claims on his own behalf, but in an insulting and defiant tone arose and left the room, saying, "I will not permit the sale of Waitara to the pakeha. Waitara is "in my hands, I will not give it up; *Ekore, Ekore, Ekore.* (i.e., I will not, I will not, I will not) "I have spoken." . . . .

The land thus given over to the King is not to be alienated without his consent. This might be all fair if the party stopped here. But they resolve that no land shall be sold within their territory, even though the owner may not have joined the league. Any man therefore attempting to sell a block of land, would subject himself to summary proceedings at war. And any attempt to take possession of the purchased block by the Government, would be resisted by force of arms, as in the case of the land at Waitara.

The Taranaki people, not by W. King's direction, but at the instigation of a man named Erueti, came to Waikato for the king's flag, and handed over Wiatara to the league; no doubt in order to draw Waikato into the quarrel, and secure their powerful aid against the Governor. This is the reason assigned by the party who have gone to aid W. King, for their having taken up arms in his defence; "Our flag is there," they say. Others of the extreme King party only wait to ascertain whether the flag reached Waitara before the Queen's money was paid or after, declaring, that if the flag was first there, the land shall not be given up, but that they shall go and take it. They do not profess to claim the land for W. King, on the ground either of hereditary or manorial right, but because Potatau gave it to him, because it now belongs to the land league, and because they consider he is engaged in fighting for the principles of that confederation. But does not that objection to sell land apply only to sales to the Government? Are the natives not desirous to negotiate sales with private purchasers? This has sometimes been asserted, but it is a mistake. The objection does not lie against sales to the Government merely, but *against all sales*, absolutely against any further alienation whatever; and not only are they opposed to absolute sale, but also to leasing. . . . .

Others were influenced by exaggerated ideas of the value of native land, derived from the increased value of lands improved by English labour and capital, and argued that to sell land was to enrich the pakeha, and impoverish themselves. And numbers opposed the sale from barbaric pride; dwelling alone on these large tracts of land, they felt they could maintain individually a degree of self-respect, importance, and independence, that would be lost when they came to mingle with the better informed and civilized European; that in fact if they parted with their land, they would soon be

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made to feel their inferiority, and thus become the pakeha's slave. These opponents pushed their views, and sought to make it *Te Tikanga o te Iwi* (the Law of the Tribe) that no individual or family should alienate land without the consent of the whole tribe. To make the law popular and binding, they determined on a more general meeting, and to invite all the tribes along the coast to join them in this measure. . . . . .

This was the origin of the notorious Taranaki land league, which evidently contains the elements of the present King movement; and which has proved so fruitful a source of dissension among the tribes of that district, caused so much bloodshed, and brought about the present collision between W. King and his Excellency the Governor.

[*Pamphlet, Origin of King Movement,* 1860.]

VI.—EXTRACTS from the PASTORAL LETTER of the Bishop of NEW ZEALAND to the Members of the Church of England at New Plymouth, 1855.

All I ask for is an entire abstinence from threats, and a *bonâ fide* transaction with all classes of real owners after careful investigation of title. Where claims of various kinds are made to the same land, then satisfy them all; as for instance, the Bell Block was first paid for to the sixty Ngatiawa who were found there by the agents of the New Zealand Company, then to the Waikato tribes, who claimed the land by right of conquest; and lastly, to the fugitives and captives who returned to claim it by inheritance. This may have been a troublesome process; but so is a chancery suit; at all events, the Bell Block settlers are now in quiet possession, and, though nearest the scene of warfare, appear to be less alarmed than the inhabitants of the town. This happy result may fairly be attributed to the judicious manner in which the purchases were completed; as described by Mr. Hursthonse, p. 48. "The completion of these purchases *occupied several months;* the Government officers were scrupulous "in obtaining the consent of *every individual interested;* title deeds in the Maori tongue, shewing "boundaries and reserves, were duly signed by *men, women, and even children;* and the whole business "conducted with the greatest fairness and publicity, was concluded to the *satisfaction of both Native* "*and European.*" As also in page 50: "By the tact displayed in the negotiations for the Bell Block, "the very men who in its first stages were most opposed to it, were so won over, as to become "anxious to sell more land." The same author goes on to state in p. 51. "Under Governor Grey's "excellent arrangements, then, a tract of land of nearly 30,000 acres, in a district which is prover-"bially the garden of New Zealand, has already been peacefully obtained, at an expense of *ten pence* "*per acre.* When required, more land is procurable from the Southern natives: whilst it is *almost* "*certain that the greater part of the Company's original block will eventually be acquired in a similar* "*manner.*"

I find therefore upon the testimony of your most constant and zealous advocate, that land equal in quantity to one half of the 60,000 acres originally contemplated by the plan of the settlement, has already been acquired: and that there is reason to hope that the whole of the Company's block will eventually be acquired. . . . .

When I first visited New Plymouth in October 1842, I was accompanied by nearly 40 men of the tribe, who came avowedly to ascertain whether the state of the country would allow of their return. Every man of this party knew the exact spot which had belonged to his forefathers. The migration to the remote Chatham Island had neither caused Taranaki to be forgotten, nor the recollection of their local claims to be lost. I ascertained in the Chatham Island to what part of this country they laid claim, and I have just passed through their settlements to the south of the White Cliffs, and found them re-established in their own homes. The head teacher of the tribe, and one of the first converts to Christianity among them, is about to be admitted to Holy Orders, which led me to ask, whether he had a claim to any land which might be available for his maintenance. I was immediately informed of the exact spot and of the grounds of his title. From these and similar facts I draw the conclusion, that every member of the Ngatiawa tribe knows his own land in the Taranaki district, and desires to return to it. . . . .

Let the tribe be once assembled, in undisputed possession of its ancient territory, except such portions as have been already sold, and let each freeholder's claim be duly investigated and a Crown title granted to each, as an individual proprietor, with full power to dispose of his land by sale, lease, or bequest; and then I believe it will be found, that land will be obtained by new settlers on far easier terms, by purchase or lease from the natives, than from their own countrymen.

2. I desire to see each Native landowner secured by a Crown grant for his own individual property; and registered as a voter, on the same qualification as an Englishman.

I scarcely think it necessary to notice the charge brought against Archdeacon Hadfield, of having stopped "340 men, who had assembled at Waikanae, bent upon proceeding to Taranaki, to avenge the death of Rawiri;" lest, "in avenging the death of Rawiri, they should break up the confederacy, and "so secure more land to the settlement." Now you must remember that every one of these 340 men believes himself to be a propritor of land in this district, and that their leading chief, Te Puni, had already sent his son Henry to claim the land on which he is now settled; and that their minds were not made up on the land question is evident from the statement of the same writer, that the next thing which the same party did, was to consent to a plan "for putting an end to the evil, by putting "their veto upon all future sales of land in this district."

[*Printed at the College Press, Auckland, August* 1855.]

VII.—EXTRACTS from PAPERS by Mr. WHITE, Interpreter in the Native Office.

It was in the war of these brothers that the ancestor of Wi Kingi came from Waikato to Waitara, and took a wife from the youngest female branch of the family of Teira, and lived with her at an old pa called Manukorihi, on the north bank of Waitara. This old pa was abandoned in 1826, but up to this time, Wi Kingi's relatives lived there, and were the last to leave; hence his *hapu*, or branch of the Ngatiawa are called to this day Manukorihi. Up to the year 1826 Wi Kingi's relatives had never cultivated on the south side of the Waitara but once, which was allowed for the following reason;—A number of the Ngatiawa went out of the Waitara in their canoes sea-fishing; a gale came on and swamped all but one; this canoe, with the men, landed at the Sugar Loaves, and, according to Maori law, they staid for some time before they went home to weep over their lost associates. As the people in Manukorihi pa fully believed all the party were dead, they wept for their husbands, brothers, fathers, &c. but not so with Wi Kingi's relatives,—these at once passed over to the spot on which the pa Te Kuhikuhi was built, and begun to clear it, when the men in the one canoe saved came back to Waitara; and they were allowed to cultivate by Teira's ancestors the portion cleared, and live on it for one season. This leads us on to another point in the history of King's claim to the land sold by Teira. As the portion above alluded to is in the portion sold, just before the Pukerangiora pa was besieged by the Waikatos, William King went to Kapiti and put himself under the protection of Rauparaha at Mana. This act, also, had a reason, as Rauparaha is descended from the Tinui migration, and as Wi Kingi was related to them he was safe; hence, therefore, on the intended attack on Pukerangiora word was sent to Wi Kingi to leave; he did so, and saved himself among his relations; but, after the purchase of the Taranaki district, including the Waitara, Wi Kingi returned to Waitara, and again lived on the north bank, near Manukorihi. But as some of the Wiakato, under Rewi and others, were still cultivating in the vicinity (but only for the crops then in the ground), this was given as an excuse by Wi Kingi for asking Teira and Ihaia to be allowed to come over to the south side to Kuhikuhi (those portions formerly cultivated by his ancestors on the mishap with the canoes of the Ngatiawa), as he was afraid of the Waikatos attacking him. The request was granted; he and his people have lived there ever since. . . .

We will not enumerate any purchases of land made by Government, but confine ourselves to the purchases made by "Citizen." Apihai Kawau is the head chief of the branch of the Ngatiwhatua tribe at Auckland. Under the penny-an-acre proclamation, "Citizen" may remember that he purchased a piece of land up the Waitemata river for a person named Chisholm, from Hauraki as minor chief of the Ngatiwhatua, and that the consent of Te Kawau was not asked, nor did he sign the deed to Chisholm. Again, "Citizen" bought another piece of land for Brigham up the same river from Tautari, who is a minor chief of the same tribe, when the consent of Te Kawau was not asked, nor was his name signed to the deed. Again, "Citizen" bought a block of land up the same river for Henderson and McFarlane from Tuhaere and Keene, when the consent of Te Kawau was not asked, or his name to the deed. Again, "Citizen" bought a piece of land for Fulton, up the Waitemata, from Manihera, a returned slave from Ngapuhi, a minor chief of the Ngatiwhatua at Kaipara, Nopera being the head chief of this portion of the Ngatiwhatua, yet Nopera's name is not to the deed. Again, is not Te Kauae chief of the Ngatitamaoho, and was not Epiha Putini a chief who was brought up from a child by Te Kauae—yet "Citizen" bought a piece of land for Newman at Raratonga from Epiha, and the consent was not asked, nor was his name signed to the deed. We could multiply instances to fill a book, but these will suffice, and when these claims were brought before the Commissioner of Land Claims, not one of them, or a boundary, was disputed, notwithstanding "Citizen" in some instances gave new names to boundaries of the blocks he purchased for private individuals. If facts are proofs, then the above examples show that a minor chief can sell his land to any one he likes without the senior chief's consent.

The recognised head of the Ngapuhi is Tamati Wake Nene, of the parent stem, but there are many sub-tribes of Ngapuhi—no less than about 45. The original chief in Mamari was called Nukutawhiti; and, when a very old man, his grandsons quarrelled about the division of land. To put an end to this, the old patriarch went with them to Ohaeawai, and there caused a ditch to be dug, east and west; the west side of which was for one part of the family, and the east side for the other.

Referring to the *hapu* of the Ngapuhi tribe on the west side of the boundary line so laid off, we will see how far it is true that the head chief was the only person who could alienate by sale. At the heads of Hokianga the chief Moetara of the Kaitutae *hapu*, sold a piece of land to a Mr. Oakes, and also a piece to Captain Kent, also a piece to the Wesleyan Mission. The head Ngapuhi chief at that time—Muriwai—was not asked, nor did he receive payment. Mr. Jellicoe bought a piece from the Ngatitoro; Mr. Manning also bought a piece from another sub-tribe, Te Hikutu; Captain Herd bought a piece from Muriwai; Mr. Poynton also bought a piece from Te Popoto; Mr. Fishwick bought a piece from Tengahengahe; Mr. McDonald bought a piece from Te Iuhati; Mr. White bought a piece from Te Patupo; Mr. Russell bought a piece from Ngatihao; Mr. Cassidy bought a piece from Te Mahurehure; Mr. Pearson bought a piece from Ngatikaihoro; Mr. Wright bought a piece from Urikopura; but these will suffice, out of about 120 purchases.

It will be seen that out of these there are only two which were sold by the head chief or his tribe; one to Captain Herd by Muriwai, and the second by his successor, Nene Waka, of the Ngatiaho tribe, to Russell. These last two purchases were the only blocks over which as chief Waka or Muriwai exercised control, or for which they got a portion of payment, as the evidence taken by Commissioners Godfrey and Richmond in 1843 will testify.

These purchases were made between the years 1824 and 1839, as they were some of the first purchases made by Europeans in New Zealand. If the law as given by Hoete, Taraia, and others is or

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was a law among the head chiefs, how came it to be transgressed at a time when the head chiefs revelled in all their Alexander Selkirk glory?

[*Taranaki Herald, June* 1860.]

VIII.—EXTRACT from LETTER from Rev. T. BUDDLE to Governor GORE BROWNE, November, 1860.

Respecting the claims of the Waikato chiefs on the district of Waitaro as described by Mr. Commissioner McLean in his evidence before the House of Represeutatives in August last, I have the honour to remark that I am not acquainted with all the facts stated by Mr. McLean, but I can certify that the Waikato chiefs always affirmed that they had claims on that district in virtue of having conquered the Ngatiawa and driven them away; and that their claims were universally admitted. I also know that a large party of the Waikato people belonging to the Ngatimaniapoto tribe, under Niutone Te Pakara, went to Waitara several years ago and cleared a large piece of land there for cultivation in order to exercise their rights.

I have inquired of Rev. J. Whiteley of New Plymouth respecting the claims of Waikato chiefs on the Waitara District, and of any acts of ownership exercised by them over that land. Mr. Whiteley replies, "I am decidedly of opinion that Archdeacon Hadfield is wrong, and that Mr. McLean is right. Certainly the Ngatimaniapoto came to Waitara, and had a *kainga* and cultivations "there."

[*Not before published.*]

IX.—LETTER from Rev. J. A. WILSON, Church of England Missionary, to Governor GORE BROWNE, November 1860.

I ought to mention that during a recent visit of nearly two months amongst the tribes on the Waikato, it was not unfrequently asserted in the presence of the Rev. Mr. Morgan and myself, that the chief cause of the present war arose out of the "King Movement;" and that the disturbed state of the country is owing to the course still pursued by the supporters of the King party. In confirmation of these observations I think it unnecessary to mention more than three distinct testimonies.

First. When at Whangàro in September last, I went through the whole of the war question with the chief the place, Wiremu Nera Te Awaitaia, and in conclusion he observed to me: "You must understand this, the war is not a struggle of the Maori and the pakeha, it is not a war with the missionary, it is not a war with the magistrate, but it is a war with the king [Native king] with the "Queen." This he afterwards repeated, and added, "The flag [King's flag] is the cause."

Secondly. Subsequently, at Otawha, I went through the subject again with a chief named Ta Waru, who is probably inferior to none in that part of the Waikato. During this conversation he observed: "Friend, all this fighting and plundering would not have occurred had we not made a king. "This is the root of the strife. It is Waikato who fights the cause of Taranaki. The men of the soil "keep at a distance, they are but slaves: we fight their battles: we are the strength of this war." This chief has always behaved with kindness to the settlers and loyalty to the Government; and I believe sincerely desires the peace of the country.

Lastly. I shall mention the evidence of Te Wetini, the leader of Ngatihau, who fell on the 6th of this month at Taranaki, and who was really a manly and patriotic Native. This chief admitted freely and openly that the war was not merely a contention for the land at New Plymouth, but for the chieftainship (rangatiratanga) of New Zealand. He said that "wherever the King's flag went "they (the war party) would follow: That if the Governor sent troops to *any* part of this island "they would meet them." It gives me much pleasure to state that this chief regretted the ferocity which had hitherto marked the war, and did what he could to influence his country to a more humane course of action. His last words to myself were, "In the event of my tribe following the "example of Waikato and killing the wounded and prisoners, I shall leave them and return to "Matamata."

I have forwarded the observations of these chiefs to your Excellency, because it has been asserted that the King movement has nothing to do with the war at Taranaki and is in fact wholly dtstinte from it.

[*Not before published.*]

X.—EXTRACTS from ADDRESS by Mr. BUSBY, formerly British Resident at New Zealand, to the Native Chiefs, June 1860.

OLD MEN AND FATHERS OF THE MAORI NATION:

Listen to the words of an old man and father, whose children and grandchildren are Natives of the same land as your children and grandchildren. Many of your children, perhaps, never heard of the name of Te Puipi, the man who was first sent by the King of England to reside in their country; but to you my name was familiar before they were born.

Then was signed the Treaty of Waitangi, the covenant between the Queen and her Maori people, by which the Natives of New Zealand became subjects of the Queen, and the Queen became the protector of the Maori race. The shadow of the land went to the Queen, the substance of it remained to the Maori race. The Queen promised to protect each man and every man, so that every man's land should be his own; and the Maories agreed that when they wished to sell the land they should sell it only to the Queen; because when Queen Victoria became Queen of New Zealand it was

not lawful for any of her people to buy land, but only for those whom she appointed. The Treaty was carried over the Island, and all the principal chiefs entered into the covenant. But some one will perhaps say to me, "I did not sign the Treaty, I am not bound by it." Friend, tell me this—Can one stone stop the flow of the river? Can one man stand against a thousand? If he does not turn, and go with the rush of the army, will he not be trodden under foot by it?

Two ulcers have broken out—one at Taranaki, one at Waikato. Teira has sold his land to the Queen; Wiremu Kingi says "The land shall not go to the Queen; the land is Teira's, let Teira "keep his land; I will not suffer it to be sold, because though the land is Teira's the power is mine; "I am Wiatara, let Teira live under my shadow." Friends, this is a great mistake of Wiremu Kingi's. In former times, before the Queen's shadow covered the land, when a strong man armed kept his palace, his goods were in peace; but when a stronger than he came he was overcome, and his goods taken from him. This was Maori custom. In those days Wiremu Kingi, being stronger, could overcome Teira; but when the Queen promised to every Maori that he should be as one of her own people, the law came; the law is the strength of the weak man, and the law says "Every man's land "is his own, to sell to the Queen or keep; no one shall take it from him because he is weak; no one "shall prevent his selling it if he wishes to sell it." If the Governor allowed Wiremu Kingi to overcome Teira, he would make the Queen false to the promise she made to every Maori man when she entered into the Treaty.

. . I write it because these are troublous times, and I foresee that evil will come upon you, if you do not turn from your folly. I have read all your speeches at Waikato; the flagstaff is a challenge to the Queen; I think if the King of France had set up a flagstaff under the shadow of the Queen, the Queen would not have forborne so long; no, 500 ships of war would have been upon the seas, and numerous soldiers upon the land. Why has she dealt so with you? Because you are but children in knowledge. She has treated you as children. But, friends, these ulcers must be healed. Will not the Queen ask what is the cause for so much money being spent, to pay so many ships of war and so many soldiers? and what will be the answer? There are two causes; Teira was living under the shadow of the Queen, but Wiremu Kingi said to Teira—"You shall not live under the shadow of the Queen, "but under my shadow." This is the first. The second is like it. The people of Waikato have made a king for themselves, though Potatau said, "Do not make me a King, I do not know how to be a "King." They have raised a flag for a token, and they want to live under the shadow of this flag, and not under the shadow of the Queen's flag. Then the Queen will say, "Was it for this that I spared the land of the Maories and treated them as children, securing to each man his own land? Is it just that I should take the money from my people in England to send ships and soldiers to New Zealand? let those pay for the ships and soldiers who would not allow my Maori people to live under my shadow." Then it will be said, "Then they have no money, but have they not land?" The Queen was willing to pay them money for the land, but they would not take her money and live in peace; and now the money that would have been paid for their land has been spent upon soldiers and ships of war. If the Queen were to say, "Take the land," who would say it was unjust?

Therefore I counsel you, as an old friend, to cast away your folly, and let the land be in peace.

From your old friend,

TE PUHIPI (James Busby).

[*In Southern Cross, July*, 1860.]

XI.—EXTRACT from LETTER of Mr. BUSBY (British Resident) to Governor of New South Wales, June 16, 1837.

To those unacquainted with the status of a New Zealand chief it may appear improbable that he would give up his own proper rank and authority. But in truth the New Zealand chief has neither rank nor authority but what every person above the condition of a slave, and indeed the most of them may despise or resist with impunity.

[*In Parl. Pap., Feb.* 7, 1838, *p.* 9.]

XII.—EXTRACTS from the GOVERNOR'S SPEECH to the NATIVES at Taranaki in March 1859.

The Governor wished them to understand that the Queen regards equally all her subjects; that all her Governors have had and would have the same instructions, viz.: to do their utmost to promote the welfare of her subjects without distinction of race. The missionaries had imparted to them the blessings of Christianity and translated the Bible for their use. It was not in the power of man to confer any other gift which would bear comparison with that of the Bible; but, out of regard for the Natives his Excellency had caused an abstract of English law to be translated into Maori. He had no wish to enforce this law; on the contrary, it would only be put in force in those districts where the people are wise enough to desire it, and prepared to carry it into effect themselves. Some tribes in the North had already desired to have English law: and a magistrate had been appointed to instruct them how to put it into practice. They were now engaged in doing so, with every prospect of becoming a peaceful and prosperous people, and uniting themselves with the Pakeha. This tribe is the Ngapuhi. The Governor had but two subjects on which he desired to speak, particularly to the tribes living near Taranaki, and they were—First, in reference to criminal offences; second, in reference to land. He wished these subjects to be considered separately, and as having no sort of reference to each other. The tribes in the vicinity of Taranaki have greater advantages than most others, as they are much intermixed with the Pakeha, and ought to profit by their intercourse with them. If

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they choose to live peaceably and cultivate their lands they would grow rich and multiply, instead of which they were constantly at war with each other, and their numbers were decreasing. Their disputes were almost always about matters of little or no importance, or about land which was not worth quarrelling for. Had the Governor been in New Zealand when Katatore slew Rawiri, he would have had him arrested and brought before the Judge, and, if the Judge had sentenced him to be hanged, he would have caused him to be hanged; that he had not thought proper to arrest Ihaia, because though the murders to which he was a party were horrible and disgraceful, yet they admitted of some extenuation, inasmuch as they were committed in retribution for the murder of Rawiri. All this, however, now belongs to the past; but, for the future, he had determined that every man (whether he be Maori or Pakeha) who may commit any violence or outrage within the European boundaries shall be arrested and taken before the Judge, and the sentence of the Judge, whatever it may be, shall be carried into effect. He was determined that the peace of the settlers should no longer be disturbed by evil doers, and that those Maories who are not content to live in peace among the Pakehas had better go elsewhere. In reference to the second subject, the Governor thought the Maories would be wise to sell the land they cannot use themselves, as it would make what they could use more valuable than the whole; but that he never would consent to buy land without an undisputed title. He would not permit any one to interfere in the sale of land unless he owned part of it; and, on the other hand, he would buy no man's land without his consent.

[*Official statement, March* 20, 1860.]

XIII.—The Governor's Manifesto to the Natives in February 1860.

[*Translation.*]

1. When the Pakehas first came to Taranaki there were no Natives at the Waitara. The Ngatiawa had been dispossessed by the Waikato.

2. The Waikato transferred their rights to the Government and received a payment for the land.

3. Afterwards the Ngatiawa returned and occupied the land; the Government acquiesced in this occupation.

4. In March 1859, some of these occupants, Te Teira and others openly offered to sell to the Government their claims to a portion of the land at the Waitara.

5. William King opposed this offer, and said that no land at the Waitara should be sold. But the "mana" of the land was not with William King, and he had no right to forbid the sale of any land which did not belong to him personally.

6. The Queen has said that all the Natives shall be free to sell their lands to her, or to keep them as they may think best. None may compel the Maori people to sell their lands, nor may any forbid their doing so.

7. William King sets his word above the Queen's, and says, though the rightful owners of the land may wish to sell, he will not allow them to do so.

8. The Governor cannot allow William King's word to set aside the words of the Queen.

9. The Governor has said that he will not allow land to be bought, the title to which is disputed. He has also said that he will not allow interference with the rightful owners in the sale of their lands. When land is offered, the title to which is clear, the Governor will use his own discretion in accepting or declining the offer.

10. The Governor accepted Te Teira's offer conditionally on its being shown that he had an indisputable title.

11. Te Teira's title has been carefully investigated and found to be good. It is not disputed by any one. The Governor cannot therefore allow William King to interfere with Te Teira in the sale of his own land.

12. Payment for the land has been received by Te Teira. It now belongs to the Queen.

13. William King has interfered to prevent the survey of the Queen's land by Her own surveyors. This interference will not be permitted.

14. The Governor has given his word to Te Teira and he will not go back from it. The land has been bought and must be surveyed. The Queen's soldiers will protect the surveyors. If William King interferes again and mischief follow, the evil will be of his own seeking.

15. The Governor desires peace. It depends upon William King whether there shall be peace or not. If he ceases to interfere with what is not his own he will be treated as a friend and there will be peace.

[*Maori Messenger, February* 1860.]

XIV.—Extract from Letter of Archdeacon Hadfield to the Duke of Newcastle, dated May 29, 1860.

An official document put forth by the Governor, entitled "Statement relative to the purchase by "the British Government of Teira's land at Waitara, Taranaki," contains, I presume, all that can be advanced in justification of his own proceedings. It is fortunate that the merits of the question lie within very narrow limits. The right of Natives to their lands is not now a subject of dispute. The Governor says, "The Queen has said that all the Natives shall be free to sell their lands to her, or to "keep them, as they may think best." The question at issue is simply this—Is a Native chief to be forcibly ejected from his land, because an individual member of his tribe tells a subordinate land agent that it is his and not the chief's, and that agent believes him? The Governor says, Yes; the chiefs say, No. We have resigned our sovereignty to Her Majesty the Queen, and in return for that

Her Majesty has guaranteed to us the protection of the law. We claim to have disputed titles to land which it is desired to purchase decided in some competent court on evidence given upon oath, for we have never consented, and will never submit, to have the titles to the land on which we live, and on which we cultivate the food for our subsistence, decided by a mere subordinate land agent, interested in acquiring land, and resting his decision on the bare assertion of a man of no note or rank in the tribe. This is really the question at issue between the Governor and Wiremu Kingi. Were Teira's title as good as I am certain it is bad, and had Wiremu Kingi no valid title whatever, still the real question raised by this act of the Governor's is what I have now stated it to be. Are chiefs to be debarred from all right to defend their titles in a competent court of law? Is the *ipse dixit* of an interested subordinate land agent to deprive a chief of his land, and justifying the Governor in having recourse to arms? If so, of what conceivable use or meaning is the guarantee in reference to their land contained in the Treaty of Waitangi? . . . .

I now proceed to consider the grounds publicly set forth by the Governor in defence of his extraordinary act at Taranaki, in forcibly ejecting Wiremu Kingi and his tribe from a block of land situated on the south side of the Waitara, consisting of about six hundred acres, on the bare assertion of a district land Commissioner, that it belonged to another person, who had sold it to the Government. It is stated that the land belonged to Teira and a few other persons, who were the real owners, and who had sold it to the Government;—that Teira's title to the land was "carefully investigated, and "found to be good;"—that Wiremu Kingi and those who acted with him had no title to it;—that "Wiremu Kingi never pretended to deny Teira's right of property, but insisted on his own right to "put a veto on all sales at Waitara." I deny the truth of all the statements. I am prepared to prove their falsity here, where evidence can be obtained; but I must, under the present circumstances, in the absence of documents, endeavour to do so by the use of such arguments as can be appreciated at a distance. I must, however, make a few preliminary remarks. The ownership of the land ought to have presented but few difficulties to the land Commissioner. It was not wild land, land which the tribe who occupied it had conquered from other tribes. On the contrary, it was land which had been owned by the tribe for many generations, and had been subdivided into small allotments among upwards of fifty occupants, with boundaries accurately defined by stone posts, which had existed for ages. I should perhaps say that all the claimants belong to one tribe—Ngatiawa. Some years before the establishment of the British Government of New Zealand, a large portion of the tribe migrated to the southward, to Cook's Strait, for the purpose of being near whalers, and obtaining English goods. William King was one of this party. Subsequently Waikato attacked that portion of the tribe which remained at Waitara, and defeated them. But they never held possession of the land, and consequently never acquired any title to it. William King, it will be observed, was never conquered or driven from his land. Before New Zealand became a British colony, he informed me of his intention to reoccupy it. The statement therefore (page 4), that "Ngatiawa had been dispossessed by Waikato," as being at variance with fact, is highly offensive to the Natives; and it certainly is not very easy to ascertain the purpose for which it has been advanced, as the present dispute is not between Ngatiawa and Waikato, but between members of the former tribe only. * * *

But with regard to Teira's right to sell, which is so positively asserted, and on the supposed validity of which a war has been commenced at Taranaki, can I expect to be believed in England when I assert, as I do unequivocally, that Tiera's father Tamati Raru, through whom alone the son could lay claim to any land as inherited by him from his ancestors, is still living, and opposed its alienation? Tiera's father is indeed the owner of a small portion of the block; but it would be irrelevant to the purpose of my present argument to discuss his right to sell, inasmuch as he refused to do so, and co-operated with William King in opposing his own son up to the very commencement of hostilities. I feel that nothing I could add to this fact would tend to strengthen the assertion I make, that the claim set up on behalf of Teira to alienate the whole block of land is altogether untenable.

But perhaps the most extraordinary statement made is, that William King "never denied Teira's "right of property." The document goes further and says (page 4, c. 11): "It is not disputed by "any one." I have already cited the Governor's own admission that William King positively told him that "Waitara was in his hands," and that he would not part with it. I am unable to conceive in what manner the old Chief could more distinctly deny his opponents' title. It is true Mr. Parris, the District Commissioner says that, in answer to his question—"Does the land belong to Tiera and "his party?" he replied—"Yes; the land is theirs, and I will not let them sell it." I am credibly informed that the Chief did not intend to convey the meaning here attributed to him; that what he said was, that Teira and his party were part owners of the land, but that did not justify them in selling the whole. I can easily conceive how such a mistake would arise, as it is quite in accordance with the idiom of the *Maori* language to begin an objection by "Yes," *i.e.*, you are right to a certain extent, but, &c. And that was exactly the Chief's meaning; Teira has a right to a small part; but he wishes to avail himself of that to establish a claim to the whole block of land now under discussion, and that I will not allow him to do. Here the irregularity of the whole proceeding appears; for had such a question been put in a court of law, and the alleged answer been returned, William King's counsel would have taken care that no inference prejudicial to his interests should be drawn from it. . . . .

It is further said (p. 4), that "Teira's title has been carefully investigated and found to be good." I deny that any investigation whatever deserving of that designation has ever taken place. The whole transaction has been left in the hands of Mr. Parris, the Local Land Commissioner, whose business is to purchase land, and who by the very nature of his office is disqualified, in the estimation of the Natives, impartially to investigate claims to land. The Chief Commissioner did not investigate the claim. He told me after the war had commenced that he had only made a preliminary inquiry early in 1859. What is demanded by the Natives is, an impartial court, in which their respective claims

can be stated, and before which they may bring evidence to be received on oath. Nothing short of an inquiry, conducted on such principles as these can be considered an "investigation" of their titles to land. But the absurdity of the procedure, not only in this particular case, but in all the so-called investigations of Natives' titles to land, appears in the fact, that up to the present time no principles have been laid down as to what constitutes a title to land; and each Commissioner is left to the unfettered use of his own discretion to decide on this delicate subject. The consequence is that these Commissioners, many of whom are not qualified by previous education and habits of thought to deal independently with a question of so much difficulty, very frequently, as might be expected, act on very different principles, and arrive at various conclusions. Such being the anomalous position in which this most important subject has been hitherto left, it is useless for the Governor to say, "that if any man could prove his claim," such claim would be respected. How prove a claim, when as yet no principle is acknowledged by which its validity can be tested, and no recognized tribunal exists before which it can be brought? Probably a District Commissioner holding less narrow views than those held by Mr. Parris, would have acknowledged William King's claim, and the Colony would have been spared an unjust and unnecessary war.

The document proceeds: "As to the possession, the facts of the case are, that when King returned "to Taranaki from Waikanae from the north, he asked permission of Tamati Raru, Teira's father, "to build a pa upon the piece of land on the south bank of Waitara, now sold to the British "Government. Permission was granted, and King's pa was erected on the south bank, his cultiva- "tions being on the north bank. King's followers have, however, encroached with their cultivations "upon the south side of the river; and these encroachments have been for a long time a source of "continual dissension." It is true that King did ask Raru's permission to build a pah on a piece of land belonging to him. But what, let me ask, is the impression the passage just cited is intended to convey? Assuredly a very false one. The only possible construction to be put on these words is, that William King and his "followers," as his tribe seems to be designated, having no land of their own on the south side of the river, took advantage of a concession made to them for their personal security to encroach on property to which they had no right. But I have before asserted that they were the owners of by far the largest portion of this land, which they had inherited from their ancestors, and which is subdivided and accurately marked with stone posts. What then is the one particle of truth on which this false statement is built? It is simply this, that King consulted his friend Raru as to whether the pah, in which, for their mutual security, they all, belonging to one tribe, were about to reside, should stand a few chains nearer to the water side than it would have stood had it been erected on his own land on the same side of the river. I can only characterize this statement as disgraceful to an official document, whether the error arose from ignorance or wilful misrepresentation.

It is further added that "a large section of W. King's tribe residing at Queen Charlotte's Sound, "including Ropoama Te Ore and his followers, affirm the right of Teira's party." The Governor must feel his case very weak to have recourse to such an argument as this. Why does he go to the Middle Island to seek for owners of the land, when there are hundreds of these actually in possession? Why does he overlook those members of the tribe residing at Wellington and Waikanae, who all support King's claims? Why, moreover, does he seek for an accurate and unbiassed opinion from a personal enemy of King's, who expelled his brother from Waitohi? It would be difficult to suggest any other answer to these questions than that he has begun to doubt the validity of Teira's title. But when the fact itself on which the assertion is made, that these persons "affirm the right of Teira's "party" is examined, it appears that the Commissioner derived his information from Ropoama, who used their names, not only without their consent, but actually in the face of their positive assertion that King and his party were the real owners.

I think it has now been shown that a gross act of injustice has been committed by Colonel Browne; that he has acted illegally in employing troops to eject a Native chief from land which he occupied, the validity of his title having never been disproved, and no breach of the peace having been committed. Perhaps, my Lord Duke, I ought to stop here, having only ventured to address your Grace for the purpose of calling attention to a flagrant act of injustice. I have hitherto felt my ground secure; I have been dealing with facts within my knowledge; I can in so clear a case distinguish between justice and injustice. But in the remarks I am about to make I lay myself open to the charge of presumption; still I feel bound to express my opinion, that the Governor's attack on William King was not only impolitic, but under the present circumstances of the Colony, an act of folly closely bordering on insanity. That he acted without the least foresight, or the remotest suspicion that he was about to rouse the whole Native population to an expression of indignation, and many to take up arms, appears very evident. He no sooner began hostilities than he found the means at his disposal wholly inadequate to the task he had undertaken. He then sent to the neighbouring colonies for more troops; gave orders for calling out the militia; returned to provide for the defence of Auckland; postponed the meeting of the General Assembly, and issued circulars to various Native chiefs, as well as men of low rank throughout the Colony, inviting them to assemble at Auckland, and consult with him about the state of the country. Am I wrong in assuming that all these acts plainly indicate his entire ignorance of the nature of the step he was taking when he began hostilities this autumn at Taranaki? But this ignorance admits of no excuse, because there are men in the Colony who did from the first actually predict some of the worst consequences of his rashness, and who still foresee much that will necessarily follow.

[*In "Wellington Spectator," Nov.* 1860.]

XV. EXTRACTS from EVIDENCE of ARCHDEACON HADFIELD at the BAR of the HOUSE of REPRESENTATIVES, August 1860.

Do you know the position of the block of land in dispute at Waitara?—The only difficulty I have in answering that question arises from my never having seen the official survey boundaries. It has been described as a block of land containing about 600 acres situated on the south bank of the Waitara; this land I have seen and been over, but I do not know the precise boundary line of the Government. It is three years since I was on the land.

Can you state who were the owners of that block of land previous to the present dispute?—I will state what I have heard on the subject. I have direct information from persons stating that they are claimants to that land, and I am only giving my opinion on that information. I have no hesitation in saying that the land belongs to that portion of the Ngatiawa tribe, of which William King is the chief. This portion of Ngatiawa is divided into four *hapus*, namely, Ngatikura, Ngatiuenuku, Ngatihinga, and Ngatituaho, who have principally resided at Waitara since 1848 under William King. With regard to the block of 600 acres (apart from the tribal right, as represented by William King), I have been informed speaking within the mark,) that there are a hundred claimants who assert rights to that land, it having been the land of their ancestors, and having been in ages past, in some parts at least, defined by stonemarks. I know the names of a number of claimants. I could quote a great number. I am prepared to prove that there are a hundred persons now at Waikanae, Port Nicholson, Queen Charlotte's Sound, and Massacre Bay, having valid claims.

On what authority do you state that there are 90 claimants on the block at Waitara, and only 10 or 11 claimants consenting?—What I have now stated on this subject rests on the assertion of others. I am here as an unwilling witness in the case before the House, unprovided with direct proof. I am but a secondary witness. I have founded my convictions upon statements made to me by the Natives themselves, but I do not know what is considered conclusive to the committee. I am unable to state to the committee all the grounds on which I have formed opinions. I do not know whether I fully understood the question.

Is William King one of the 90?—I have before stated that the right of the tribe extends over the whole of that block, therefore he is one of the claimants.

Has William King ever made a proprietary claim?—I hear that he made a proprietary claim to a portion of the block. It would be impossible for me to say what it is, as I understood that the boundaries of the block are undefined. I have heard that about sixty acres, on the south bank, had been left out as belonging to William King. It is utterly impossible for me to state, without the boundaries being defined, what portion of his claim is within the block and what without it. His son has a claim within the block.

What proof have you that Hamere Ngaia has a claim on the block?—I before stated that I am unable to produce all the evidence which I have had, but I may state to the Committee that an old man, who resided at Waitara forty years, pointed out to me, when I was at Waikanae, portions of the land which belonged to William King. Several other Natives confirmed that statement.

Are you aware whether any act of ownership was ever exercised by the Waikato upon the block?—Certainly none that I acknowledge to be an act of ownership.

Do you know of any Waikato Native, except Peketahi, who lived at Waitara?—I do not know that any other lived there, in such a sense as to establish a title.

Are you acquainted with the details of negotiations for land in the New Plymouth district since the disallowance of Spain's Award?—I have read the documents laid on the table of the House, and have heard a good deal, but, living 200 miles from the spot, I could not say that I was acquainted with the details.

Of whom was the Bell Block bought?—Principally, I believe, from returned slaves from Waikato, so I have been informed.

Of whom was the Hua Block bought?—I do not know.

Of whom was the Tarurutangi bought?—I do not know.

To what hapus of the Ngatiawa do Riwai Te Ahu, Hohepa, and the Waikanae claimants belong?—Riwai belongs to Ngatikura and Ngatihinga; the other claimants belong to the same hapu.

Did William King receive any payment for Mangati or Bell Block?—I don't know whether he did or not.

You say King is the head of four hapus?—where is the territorial boundary of these four hapus?—I am not acquainted with the boundaries of the land owned by those four hapus, of which William King is the head. I have only been for a few days at Taranaki of late. I have never professed to be acquainted with the boundaries.

You say that there are four hapus under King—have they equal right to the south bank of Waitara?—I think they have.

What are the grounds of your opinion?—I ground it on the evidence of living witnesses.

Is your opinion derived from conversations subsequent to the present dispute?—I have it on the authority of those persons with whom I have conversed on the subject, and who have objected to the sale of land at Waitara.

Prior to the present dispute have you ever had conversations relative to the respective rights of the four hapus to the South Bank?—I have previously stated that I believe in the fact of the tribal right of Wm. King—having stated as much distinctly—it is a question in which I take no interest, as I think it irrelevant. I have had conversation on the subject, and I do not believe that any separate rights exist between Ngatihinga and Ngatituaho on the one side and Ngatikura and Ngatiuenuku on the other: the various hapus through former intermarriages are so mixed up with one another that it would be impossible to distinguish among them. It is impossible to give either an affirmation or a

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negative to a question which you can neither believe nor disbelieve. The question is perfectly unintelligible and irrelevant.

Has King or any of the Ngatikura ever cultivated on the disputed block?—I am not aware that they have cultivated any part of that land since their return—but his tribe have in former times cultivated there. When I was at Waitara his cultivations were almost exclusively on the North Bank.

Can you say if any of those cultivations were within the disputed block?—I do not know from personal knowledge.

Where was Reretawhangawhanga's pa before the migration?—I do not know; he principally lived at Manukorihi; I am not certain that his pa was there.

Was there a pa on the disputed block before the migration?—I do not know.

Have you ever heard that King asked permission of Raru to build a pa on the South Bank, and do you believe that he did so?—I have heard so. I believe I know the reason why he asked permission. On their return from Waikanae they were all rather anxious that they might be on the safe side of the river, as they dreaded that the Waikato would return. This fear was more particularly expresssed by Tamati Raru, who thought that William King might as well occupy their side of the river. The reason of his making it a request was not on account of his having land there—for there was within a few chains the land of his brother-in-law—but he desired to build a pa a few chains nearer the river than it would have been on that land.

Do you know whether William King had any opportunity offered him of stating his claim to the Government Officers, or to the Governor himself, before the military force was brought into action?—I presume he had innumerable opportunities, he might have written by every post. He had an opportunity of meeting the Governor after the publication of Martial Law. (After further conversation between Mr. Sewell and the witness, witness said) I must then confess myself unable to understand the question.

On what authority do you state that there was no investigation of the Absentee Claims?—I am quite certain that none was made at Waikanae. It must be generally understood that my evidence in reference to this dispute is derived chiefly from the Chief Hohepa Ngapaki and Riwai Te Ahu; I have had information from others, but I limit myself to these two.

[*In Sess. Pap. Gen. Assembly*, 1860, *E. No.* 4.]

XVI.—COPY of LETTER from the CHIEF LAND PURCHASE COMMISSIONER to the GOVERNOR, dated 1st December 1860.

SIR,—

With reference to the Venerable Archdeacon Hadfield's letter of the 12th October last, addressed to the *New Zealand Spectator*, I have the honour to offer the following observations for your Excellency's information.

In the second paragraph of that letter, while commenting on the Hon. Mr. Tancred's speech in the Legislative Council, the Archdeacon states:—"The only point of Maori law in reference to tenure of land, in which I gave evidence was, that an individual member of a tribe had no right to alienate any portions of the territory of the tribe; and I proved that I held this opinion 15 years ago. Mr. McLean's evidence on this point, contained in the official report on Native title to land, which was published in 1856, is identical with that given by me: Mr. McLean, it appears, now gives a different opinion on this subject; but in doing so he contradicts himself as well as me."

I am at a loss to know to what the venerable gentleman refers, as I have not in the least changed my opinion since 1856, on the subject of Maori tenure to land; nor have I, in any way, recognized the right of an individual Maori to alienate land which was held in common by his tribe, or by subdivisions thereof.

The Archdeacon's remarks would lead to the inference that a block of six hundred acres at the Waitara has been ceded to the Government by one individual: while he ought to be aware that the cession was the act, in the first instance, of two important *hapus* or sections—representing the Ngatituahou and the Ngatihinga tribes, as well as a branch of the Puketapu, whose claims were intermixed with those of the two former tribes, and rested exclusively on the southern extremity of the block in question: and, moreover, that subsequently it was confirmed and ratified by a large number of absentee proprietors residing in Queen Charlotte's Sound and elsewhere.

It is not my intention to follow the venerable gentleman throughout the many unfounded assertions which he has chosen to make in reference to Mr. Tancred's speech. I need only remark that his own admissions prove that he had no personal knowledge of the locality on which his evidence treated, and that his information was derived from parties who never could have known anything of the tribal rights to the land; inasmuch as the Rev. Riwai Te Ahu and Hohepa Ngapaki—his two principal informants—must have been mere children when they left the Waitara district.

The Archdeacon's reference to my evidence having been impugned by the Rev. Samuel Williams, might convey an impression that the statements of the latter are based upon reliable facts.

I may, however, observe that Mr. Williams has been only once into the Waitara district, and cannot therefore be regarded as an authority on the subject of land claims in that locality. Whilst there, he failed in an attempt which he made to obtain from the Natives a piece of land for a church and school. I should not have mentioned this circumstance, but that I consider it a significant fact when viewed in connexion with the opinions entertained by him in this matter. Whilst I am ready to bear my testimony to Mr. Williams' zeal as a missionary, I cannot help at the same time expressing my regret that he has of late manifested a sympathy with those Natives who are disaffected to the Government, rather than with those who have openly and consistently avowed their loyalty.

To return to the Archdeacon's letter, I shall quote the question cited by him, with my replies thereto and his comments thereon, and shall remark on them *seriatim*.

1. "'Had the Ngatituaho and Ngatihinga a right to the disputed block, independently of the *hapus* of the Ngatiawa?—*Yes, decidedly.*' 'Why then were the Government, according to their own confession, obliged to exclude sixty acres of the block belonging to William King, the chief of the Ngatiawa, whose land they at first stated was all on the north bank of the river, and besides leave the inland boundary unsurveyed, lest they should discover that he and those who acted with him had more land still within the block?'"

The Government, as will be seen by reference to the deed of sale—never intended to take any land except as from the real owners, and with their full and free consent. This was so rigidly observed that a clause was appended at the time to the effect that all Natives having claims to land within the block in question, should, subsequently to the cession, be at liberty to prefer them, and that if such claims were satisfactorily established they would be recognized and satisfied. So carefully indeed did the Government adhere to this rule, that in defining the boundaries of the block negotiated for, several portions of land, supposed to belong to the selling party, were excluded from the purchase, to avoid the possibility of compromising in any degree the conflicting interests of rival claimants.

2. "'Do the sellers, including Ropoama and his people, at Queen Charlotte's Sound, properly represent these two *hapus*?—*They do.*' 'Now, is this possible when Te Patukakariki is the chief of these *hapus* as stated by Rev. Riwai te Ahu in his letter, and which it is really dishonest in Mr. McLean to deny, if he knows anything about the matter. Ropoama's only title to rank as a chief, a very second-rate one in any case, is derived from Pawau, his mother, Te Patukakariki's sister or cousin, Koi, Teira's uncle being a *tutua*. Is Mr. McLean's reply the result of ignorance, or is it misrepresentation?"

The Archdeacon in these observations takes it for granted that Te Patukakariki is the exclusive chief of these *hapus*, because his assistant, the Rev. Riwai te Ahu, tells him so. Probably the Archdeacon forgets that Te Patukakariki is much more distantly connected with these two *hapus* than Ropoama, or Tamati Raru, or any other of those who took an active part in the sale. Your Excellency will observe that the Archdeacon takes, apparently, a pleasure in representing those who aided the sale as men of inferior rank and station, while in those who opposed it he discovers claims to rank, to integrity, and in short, to a high order of virtue.

3. "'After the enquiry you have made, do you know of any outstanding claim?'—'I have referred to one man who may have a claim, that is Patukakariki, though I do not know that he has.' 'Is this answer precise, definite, distinct? Will any but Mr. Tancred say it is so?'"

If the answer to this question is not "precise, definite, distinct," I have only to say that it was in accordance with the views of the Government (and, indeed, with my own) that no one should be debarred from preferring a claim, even though it were morally certain that no such claim ever existed. Te Patukakarika, or any other Natives may, even now, prefer a claim to the land in question.

4. "'Do you believe that any considerable claims can be outstanding?'—'I do not.' 'Is this ignorance, or what is it? Is it not beyond dispute that there are claimants at Otaki, Waikanae, Wellington, Queen Charlotte's Sound, besides those actually in arms against the Government because their claims have been disregarded?' I have not any reason to change my opinion on this subject, I am not aware of any claims except those which the Archdeacon has been assiduously creating, and which, as far as I can judge, are not entitled to more consideration than the mythical, and consequently untenable, claims of *mana* asserted by him on behalf of William King.

5. "'As to Te Patukakariki, did he oppose Teira's offer?—'No, he never did.' 'It has been positively asserted by Tipene Ngarama that Patukakariki opposed Te Teira's offer in March 1859. How then did Mr. McLean make a statement directly at variance with a known fact? Was it through ignorance? Is this a gross blunder, or what is it?'"

6. "'Has he ever made a claim?'—'He never, to my knowledge, made a claim to that particular block.' Is this a confession of ignorance, or is it precise, definite, distinct, unmistakeable?—'I have already shown that Te Patukakariki did assert a claim to the disputed block in March 1859.'"

With reference to the two foregoing clauses, I would state that I was present at Taranaki, in March 1859, when the land was offered for sale. Te Patukakarika never made the slightest objection to the sale of this land, although he did object to the cession of some claims inland of this block, which were offered by a Native named Piripi.

On the remaining portions of the Archdeacon's letter, conveying personal animadversions on myself, I shall refrain from making any comment. I may simply say, however, that I do not consider myself responsible for any construction which the Archdeacon may choose to put upon my statements; and that I cannot help regretting that he should have thought it worthy of himself, and fair to me, to indulge in these aspersions.

And now I shall briefly advert to some observations which appear in Archdeacon Hadfield's evidence before the House of Representatives in its last Session. (Ans. to Q. 44.) "I was absent from the Colony about 12 months, and on my return I found that the (King) movement had been made rapid strides in the south. The progress of the King movement is to be attributed in my opinion, to the action of the Land Purchase Department in the south part of this Island." In making an assertion of this description the Venerable Archdeacon should have had the candour to avow that the "anti-"land selling league"—which eventually merged into the King party—was really a project of his own, and was recommended by him to the Natives as early as the years 1848 and 1849. The Natives have openly stated at their meetings, on the subject of land selling, that *they had been instructed by the Archdeacon not to alienate any portion of their territory to the Government.* Mr. Hadfield seems to find

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it very convenient to conceal the part which he took in influencing the minds of the Natives, and very adroitly to endeavour to impute to the Land Purchase Department the blame due to his own acts. I apprehend it would require a measure of more than the Archdeacon's ingenuity—great as it may be—to defend his efforts to embarrass the Government in their operations with the Natives, and by his advice and counsel to lead these on to their own destruction.

I consider it quite unnecessary to trouble your Excellency with a more general refutation of Mr. Hadfield's statements; for he has already admitted that his information was derived from the Rev. Riwai Te Ahu and Hohepa Ngapaki, both of whom, as I before observed, were of very immature age at the time of their tribal migration from the district to which their evidence has reference.

I have, &c.

DONALD MCLEAN,
Chief Land Purchase Commissioner.

Auckland, December 3, 1860.

1. His Excellency's reply to Mr. Fortescue's Despatch of 27th August 1860 deals so thoroughly with the question of the territorial rights of the Native chiefs that little is left to be said on the subject.

2. The main question proposed by Mr. Fortescue is, whether or not there exists, in the chief or "tribe, "a right, distinct from one of property, to assent to or forbid the sale of any land belonging "to members of the tribe, in cases where all the owners are willing to sell."

3. The answer to this question must be sought for in the history of land purchases since the settlement of the country by Europeans, and not in fanciful deductions from what is known or conjectured about the original state of the New Zealand tribes.

4. The settlement of the country, and the establishment of British sovereignty, of necessity effected a great change in the status of tribes and individuals of the Native race. The New Zealand tribes, in their original state, were so many separate nations. The assumption of the sovereignty of the Islands, under the provisions of the treaty of Waitangi, extinguished these separate nationalities, together with the rights flowing out of them. At the same time the treaty saved all proprietary, as distinguished from national rights, and (subject to Her Majesty's right of preemption) confirmed to the Native land owners the power of alienation which they had already begun to exercise.

5. It is very doubtful whether, previously to the arrival of Europeans, the Aborigines had any notion at all of the absolute alienation of territory. Certainly they did not regard land as a marketable commodity; and whatever alienations may have taken place amongst themselves were of totally different character from such as followed upon the settlement of the country.

6. The alleged right of restraining alienation cannot be deduced from the practices of a time when the tribes were little nations constantly engaged in mutual hostilities, and when such a thing as a sale of land, in our sense, had not been heard of. And it would be foolish to seek precedents for the regulation of dealings with Europeans in the usages of a period when there were no Europeans in the country. The right of alienation was a novelty unprovided for in the old tribal economy, and the conditions of the exercise of the right were, of course, novel also. The subject, therefore, can receive no real illustration from the investigation of Native ideas and customs prior to the advent of Europeans, but the inquiry to be made is simply this, whether or not has the alleged right of control been recognized, or asserted, since the settlement of New Zealand? If not, no such right can be supposed to exist.

7. The land purchases made of the Natives of New Zealand are divisible into two great classes. First, those made of leading chiefs, representing whole tribes (Iwi; secondly, those made of sub-tribes (hapus), or of families or other comparatively small groups of individuals.

8. The former class of purchases comprises those cases in which a large unoccupied territory has been disposed of by the conquerors—as in the instance of the sale of the Middle Island by the Ngatitoa chiefs, and of Taranaki by Te Whero Whero and his brother.

9. In most, perhaps in all, of the cases belonging to the second class the land sold has been territory actually divided amongst, and appropriated by the different hapus or families of the tribe. By far the greater number of purchases belong to this class. All the purchases made to the north of Auckland, whether by Government or by individual Europeans, belong to it. So do the purchases made of the Ngatikahungunu in the Hawkes Bay district and the Wairarapa Valley; of hapus of the Waikato tribe in the neighbourhood of Whaingaora, or Raglan; and of the Ngatiawa at Port Nicholson and in Taranaki.

10. Neither class of purchases affords any precedent of the exercise or assertion of the supposed right. In sales of vacant territory the principal chiefs have themselves been the vendors. In sales of occupied territory an absolute and unquestioned right of alienation has always gone along with the right of occupancy, which is generally exclusive in certain hapus or families, and not common to the whole tribe.

11. It thus appears that the unrestricted right of alienation has in practice accompanied the right of property, whether subsisting in the tribe or in any smaller Native community, and that no seignorial or tribal right of controlling sales by the Native owners has ever been exercised, or in anywise asserted, since the commencement of land purchases in New Zealand. His Excellency's responsible Ministers are therefore of opinion that the main question proposed by the Secretary of State should be answered in the negative.

12. Whilst arriving at this conclusion respecting a matter of fact, Ministers desire to guard against being supposed to maintain the opinion that such practical influence as the principal chiefs may hereafter attempt to exercise in the matter of land sales ought to be disregarded. The distinction between

right and power is still faintly drawn by the Natives themselves; and—dealing with them as in some sort a foreign power—it will be generally prudent to respect any authority or influence established amongst them, *de facto*, without too nice an inquiry whether that authority and influence exist strictly *de jure*. The political power of the chiefs is still great, and the jealousy of European progress on the increase, so that it is probable that in many cases the influence of the chiefs may be employed to check the exercise by Native land owners of those independent rights of alienation which they have hitherto enjoyed. Such a use of the political authority of the chiefs certainly ought not to be encouraged. At the same time it would often be imprudent to press the completion of a purchase in the face of the opposition of any important chief nearly connected with the Natives offering to cede territory.

13. As regards the remaining question whether the particular claim of William King to interfere with sales in the New Plymouth district was such as it would, on any ground, have been right or politic to admit—the Governor's despatch has exhausted whatever still remained to be said. His Excellency's Ministers feel that it cannot be necessary for them to do more than state, summarily, their own views. They think that any such recognition would have been unjust to the Native proprietors, and, seeing that W. King's pretensions and intrigue have for years convulsed the district, to the European settlers also: that it would have been an abandonment of the principles laid down, and acted upon by successive Governors for the settlement of the Ngatiawa claims in Taranaki, and a violation of the express promise made to the assembled Natives at New Plymouth by the present Governor in March 1859: that, far from putting an end to, it would have aggravated, the feud which has already occasioned so much bloodshed amongst the Natives, and has so frequently disturbed and imperilled the settlement of New Plymouth: that it would have rendered the intervention of the British Government to establish peace in the district more difficult, but would by no means have obviated the ultimate necessity for such intervention; in fine, that it would have been, under the peculiar circumstances of the case, the dereliction of a plain duty, and an act of weakness unattended by any advantage beyond the postponement of a difficulty which must have soon recurred in some aggravated form.

C. W. RICHMOND.

No. 56.

No. 56.
Governor to Gen. Pratt. 8th November 1860. Three letters.
Gen. Pratt to Governor. 10th November 1860. Enclosure.
Governor to Gen. Pratt. 14th November 1860.
Governor to Gen. Pratt. 17th November 1860.
Gen. Pratt to Governor. 19th November 1860.
Gen. Pratt to Governor. 20th November 1860.
Governor to Gen. Pratt. 22d November 1860.
Governor to Gen. Pratt. 24th November 1860.
Governor to Gen. Pratt. 20th November 1860.
Governor to Gen. Pratt. 28th November 1860. Two letters.

COPY of DESPATCH from Governor T. GORE BROWNE, C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 127.) Government House, Auckland, New Zealand. November 30, 1860.

MY LORD DUKE, (Received February 18, 1861.)

I HAVE the honour to forward, for your Grace's information, copies of my correspondence with General Pratt during the past month.

The head-quarters of the 14th regiment having arrived on the 28th November, I sent back the detachment of the 65th regiment on the day following.

Having asked for this support most unwillingly, I was rejoiced at being able to return it without a moment's delay.

The detachment left Taranaki on the 13th, and re-embarked on the 28th of the same month.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c. (Signed) T. GORE BROWNE.

Enclosure 1 in No. 56.

Encl. 1 in No. 56

From Governor GORE BROWNE, C.B., to Major-General PRATT, C.B.

SIR, Government House, Auckland, November 8, 1860.

I WOULD request you to be good enough to instruct those who have charge of the wounded Maoris to treat them with great care and kindness, as it is very desirable that they should be made to comprehend the difference between civilized and savage warfare.

Prisoners who are not wounded should be guarded carefully, but not put in irons.

I have, &c.

(Signed) T. GORE BROWNE.

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Appendix.

Enclosure 2 in No. 56.

From Governor GORE BROWNE, C.B., to Major-General PRATT, C.B.

Encl. 2 in No. 56.

SIR, Government House, Auckland, November 8, 1860.

I HAVE the honour to acknowledge the receipt of your Despatch of the 6th inst., conveying the gratifying account of the success obtained against the insurgents on that day.

I beg you to accept and convey to the officers, non-commissioned officers, and men who were present on that occasion the thanks of the Colonial Government, in which I cordially join, and to which I beg to add my sincere congratulations.

I have, &c.
(Signed) T. GORE BROWNE.

Encl. 3 in No. 56.

Enclosure 3 in No. 56.

From Governor GORE BROWNE, C.B. to Major-General PRATT, C.B.

SIR, Government House, Auckland, November 8, 1860.

THE information I have this day received from the Waikato is of that nature that I feel it my duty to request you to send a force of not less than 400 rank and file, with the least possible delay, to the Manakau.

Her Majesty's ship "Niger" has received orders to proceed to Taranaki this day, and, with the "Victoria," will be at your disposal for the transport of these troops.

I have, &c.
(Signed) T. GORE BROWNE.

Encl. 4 in No. 56.

Enclosure 4 in No. 56.

COPY of DESPATCH from Major-General PRATT, C.B.

Head Quarters, New Plymouth, Taranaki,
SIR, November 10, 1860.

REFERRING to the concluding portion of my letter of the 10th ultimo, I beg to state that immediately on my return to New Plymouth I at once restored the men to the camp at the Waitara, which I had denuded by one-half its strength, to enable me to proceed to the southward; and I now add, for the information by your Excellency and the members of the Government, the occurrences which terminated in the battle of Mahoetahi.

The reports from the Native department were, from the peculiar character of the Maori movements, of the most fluctuating character, and varied day by day; at one time the enemy were in the immediate neighbourhood and might be expected on any day; at another, they would not move before the end of November, or in December, thus rendering it impossible to form any decisive plan regarding them.

On the evening of the 5th inst., however, I received from Mr. Drummond Hay reliable information that the Waikatos had crossed the Waitara river in force that morning, for the purpose of joining Wm. Kingi, and that they would be at Mahoetahi, about eight miles from this, that night or next morning.

F. O.	C.	Sub.	Staff.	Serjts.	D.	R. & F.
5	9	13	6	23	10	617
Column from Waitara Camp.						
F. O.	C.	Sub.	Staff.	Serjts.	D.	R. & F.
2	1	8	1	10	4	291

I immediately arranged that a column, strength as per margin, should move from this, under my personal command, at 5 a.m., so as to reach Mahoetahi at 8½, and also that another column (*see* margin) under Col. Mould, R.E., should move from the camp at the Waitara and join me at Mahoetahi at the same hour.

The intended move from New Plymouth was carried out and the Mangoraka river crossed without opposition, and on nearing Mahoetahi Hill, the site of a dilapidated pah, with palisades and whanes, which my column did a little after 8 a.m., we were met by a heavy fire from the Waikatos, who occupied it, as well as the swamp, gulleys, and fern contiguous.

This was returned by the skirmishers of the 65th regiment, posted on the road leading to the pah. The guns were quickly brought into position, and the militia directed to take post to the left.

The ammunition and camp equipage being now mostly over the river, I ordered the militia to seize a hill a little in advance on the left, close to the pah, and to occupy it. This being effected, a portion of the 65th, under Captain Turner, were directed to fix bayonets and storm the pah in front, the militia being ordered to do the same on the left flank of it. This was done by both in the most gallant manner, the enemy still retaining, for a short time, hold of a portion of the pah, and keeping up a most galling fire from the fern and swamp.

The 12th and 40th regiments having succeeded in bringing up the ammunition, camp equipage, &c. extended the right of the line, throwing it forward, while Colonel Mould, with the column from the Waitara camp, came into action on the left. The enemy finding himself thus hemmed in, and under a most murderous cross-fire, after an action that lasted two hours, turned and fled with much loss.

I pursued with a portion of the force, consisting the 12th, 40th, and 50th regiments, and with two guns crossed the Waiongona river, and the retreat was so rapid, and the rout so complete, that at two miles from the camp several wounded prisoners were taken and dead bodies found, the road all along was stained with blood; then, having swept round by Ngatiparima and the Onukukaira stockade, rejoined the force at Mahoetahi, where, leaving 300 men under Col. Mould, R.E., to occupy this position, and eventually another more desirable in its neighbourhood, the troops returned to New Plymouth, after a long and arduous day's work, and a portion of the force from the Waitara rejoined the camp.

F. O.	C.	Sub.	Staff.	Serjts.	D.	R. & F.
2	4	8	1	17	8	400

Amongst the killed are five very important chiefs, the first being the leading man of the Maori King movement, the four others very influential chiefs; there were also many chiefs of minor note killed. It is not easy to obtain accurate intelligence of the numbers of the enemy who were in the field, or who have been slain, but from the bodies counted on the field, which we buried, and that were being brought in wounded from the fern, where they lay concealed, I should think from 80 to 100 were killed and wounded, of this latter, five were brought in as prisoners, and one unwounded man.

I never saw a more gigantic or powerful set of men than these tribes, and being armed with well-finished English rifles and double-barreled fowling-pieces, they were able to keep up a most continuous fire, whilst their power of concealment was most marvellous; indeed, when close upon them we only knew of their whereabouts by the smoke from their guns. Many of these arms were captured by our men on the field and brought into camp.

I trust that this defeat of the enemy will have good effect, and it is a curious circumstance that an insulting challenge (which I enclose) was signed by the first-named chief, who was killed the very day after he crossed the Wiatara.

Our loss was 4 killed, and 2 officers and 13 men wounded, as per casualty return.

I append the report of Colonel Mould relative to the column under his command, remarking only that the east end of the pah was, in my opinion, occupied a little earlier than Colonel Mould supposed, but that the arrival of his column aided most materially in driving the enemy from the slope of the hill on the outside of the pah and from their strong position in the swamp.

I have now the great satisfaction of testifying to the gallant behaviour of the troops; Artillery, Engineers, Line, Royal Marine Artillery of the Naval Brigade, Militia, and Volunteers, all vied with each other as how best to reach the enemy. The behaviour of that noble corps, the 65th regiment, and the militia was most conspicuous, and at the commencement of the action the brunt fell upon them as well as all the casualties except two.

It was not in my power to name all who were distinguished for their gallantry, but I have thought it my duty to bring to the notice of His Royal Highness the general Commanding in Chief, as I now do to your Excellency's, the following officers of the General and personal staff, *i.e.*, Lieut.-Col. Sillery, Dpty. Quartermaster-Genl., who was slightly wounded in the pah; James Mouatt, Esq., C.B., Depty. Inspector-Genl. of Hospitals; Lieut.-Col. Carey, Depy. Adjt.-Genl., as usual most conspicuous; Henry Bartlett, Esq., Assist. Com.-Genl.; Lieut. Forster, R.A. and A.D.C., and Lieut. King, acting as Militia A.D.C.

And the following officers commanding corps, *i.e.*, Capt. Strover, R.A.; Capt. Mould, R.E.; Major Hutchins, 12th regt.; Lieut.-Col. Leslie, 40th regt.; Capt. Turner, 65th regt., who commanded the advance, and stormed the pah and was severely wounded after entering it; Major Herbert, Taranaki Militia, who gallantly led the storming party on the left flank; and it is due to the continuous and energetic conduct of Lieut. Urquhart, 65th regt., to name that officer also.

I have also brought to the particular notice of His Royal Highness the services of Colonel Mould, R.E., who commanded the column from the Waitara camp, and conducted it to the point of attack in the most perfect manner, and have stated that I cordially concur in the praises of the officers he has named, and which, to save prolixity, I did not repeat in my despatch, but requested that they might be considered as an integral portion of it, and I now request your Excellency to do the same.

It is right that I should notice the gentlemen attached to the Native department; it was Mr. Drummond Hay, who came in from the Waitara with the intelligence of the advance of the enemy, and he, as well as Mr. Parris, accompanied the respective columns, and remained with the forces during the whole day, and rendered most important service.

I enclose a statement of the whole force, casualty returns, and a sketch of the ground.

I have, &c.
(Signed) T. S. PRATT,
Major-General Commanding.

His Excellency Col. T. Gore Browne, C.B.,
&c. &c. &c.

COPY of LETTER from Colonel MOULD, R.E., to Major-General PRATT, C.B.

Mahoetahi Advanced Camp from Waitara,
November 6, 1860.

SIR,

IN obedience to the instructions contained in your letter of 5th inst., received at 12½ midnight, I marched this morning with the force, noted in the margin, at 7 a.m., immediately that I had received notice by telegraph that the column advancing from New Plymouth were leaving Bell Block, taking the way by the Prophets' Pah, in preference to the Devon line, by which I had been discretionally ordered to proceed, as it was signalled that the enemy were in force in that direction on the mounds, upon which the column under my direction, covering the construction of a bridge,

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were skirmishing on the 5th inst. Some few Native scouts were seen from the Waitara block-house, on the sand hills near the mouth of the "Waiongona," which induced me to halt for a few minutes, until I had satisfied myself that I had nothing to fear on the flank and rear of the column.

After the column had proceeded about half a mile from the mouth of the "Waiongona," I heard firing from heavy guns in the direction of Mahoetahi, upon which I pushed on with all due precaution, until I came in sight of the pah, the west end of which was observed in possession of the troops, whilst the east end, together with swamps on the north, was held by the rebels; when I sent forward the advanced guard to the cover of a furze hedge along the Devon line north of the pah, which apparently caused the enemy to leave the east end of the pah, as the movement of the former was almost immediately followed by that of the latter, who took refuge in the part of the swamps immediately below the spot they had left, and where they were distinctly seen clustered, upon which I ordered the howitzer to the front, in the prolongation of one of the bends of the swamp, and had two rounds of spherical case thrown into them, the second of which clearly dislodged them, as immediately after it exploded they ran from their cover.

The 65th detachment rushed from the hedge at the same moment, and assisted in harassing the rebels in their retreat.

After giving orders for the remainder of my column, with the howitzer, to advance to the wooded knoll in a direction transverse to the line of the enemy's retreat, I had the honour to join the Major-General, to report my arrival, and to place myself under his immediate orders.

I would beg to bring to the notice of the Major-General the conduct of the troops composing my column previous to their junction with those advancing from town, which was all that could be desired, the necessary prudence and intelligence being displayed on the march, part of which was through a very difficult country, and as soon as the enemy were seen, their ardour, coupled with skill in selecting cover, was conspicuous.

It hardly becomes me to speak of Major Nelson, who led the column, and his own gallant detachment (which was immediately commanded by Capt. Bowdler, 40th regt.), under my direction. His known high military character does not require any eulogy from me.

It is just, however, on an occasion so important in the war as the skirmish of this day, individuals should be particularized. Lieut. Talbot, 65th regt., who commanded the advanced guard, deserves every praise and encouragement for his coolness, energy, and activity in personally leading the men to seize every point of importance on the front and flanks of the line of march, and also when coming into action. The precision with which the shells were thrown from the howitzer, and the way in which it was brought to the front by Lieut. Macnaghten, R.A., reflects great credit on the professional ability of that officer.

I must not omit to mention and to bring to the favourable notice of the Major-General, Lieut. Morris, Royal Marine Artillery, who commanded the escort especially attached to the howitzer, and also Ensign Whelan, 40th regiment, Acting Staff Officer of the Waitara camp, who rendered, with his customary intelligence, most useful assistance in conveying orders to different points in the column.

I am happy to say that there was not any casualty in the column.

A return of ammunition expended will be duly forwarded.

I beg, in conclusion, to state that the friendly Natives, who were directed to inter the bodies of the rebels, gave little or no assistance; and that the duty was principally performed by the troops in a most willing manner; 27 bodies were interred outside the pah.

I have, &c.

The Deputy Adjutant-General, &c.,
New Plymouth.

(Signed) T. R. MOULD,
Colonel Commanding the Camp Waitara and Mahoetahi.

From Governor GORE BROWNE, C.B., to Major-General PRATT, C.B.

SIR, Government House, Auckland, November 28, 1860.

I HAVE the honour to inform you that several applications have been made to me for the body of the Chief Wetine, but I have to request you not to give it up until you hear from me on the subject.

The attention and kindness with which the wounded Maori has been treated, and the possession of the body of the Chief Wetine, have been attended with the best possible effects.

I have, &c.

Major-General Pratt, C.B.

(Signed) T. GORE BROWNE.

From Governor GORE BROWNE, C.B., to Major-General PRATT, C.B.

SIR, Government House, Auckland, November 28, 1860.

THE head-quarters of the 14th regiment having arrived this afternoon, I lose no time in sending back the detachment of the 65th regiment, which will embark on board H.M.S. "Niger" to-morrow morning at six o'clock.

If the "Victoria" is not otherwise employed, it would be advisable that she should come for the remaining detachment (40th regiment), which shall be ready to embark immediately on her arrival.

I have, &c.

Major-General Pratt, C.B.

(Signed) T. GORE BROWNE.

Despatches from the Secretary of State

No. 1.

NEW ZEALAND. No. 1.

Copy of DESPATCH from his Grace the Duke of Newcastle to Governor T. Gore Browne, C.B.

(No. 8.)

Sir, Downing Street, August 20, 1859.

I have received your Despatch No. 29,* of the 29th of March last, with its enclosures, containing a report of a visit which you had made to Taranaki, and of the state and disposition of the Natives in that province. * Page 1.

I have to express my satisfaction at the tenor of this report and my approval of the measures which you adopted upon the occasion.

I have, &c.

To Governor T. Gore Browne, C.B., &c. &c. &c. (Signed) NEWCASTLE.

No. 2.

No. 2.

Copy of DESPATCH from his Grace the Duke of Newcastle to Governor T. Gore Browne, C.B.

(No. 31.)

Sir, Downing Street, May 23, 1860.

I have to acknowledge the receipt of your Despatches of the numbers and dates noted in the margin, informing me that Wm. King, a native chief, and his followers, had determined to resist the survey of some land which had been purchased by the local Government in the district of Taranaki, and reporting the measures which you had been compelled to take for the support of Her Majesty's authority.

No. 10. 25th January 1860, page 4.
No. 21. 27th February 1860, page 7.
Separate. 2d March 1860, page 11.

I have to convey to you my approval of those measures, and which I sincerely trust may prove sufficient to maintain order and reassure the minds of the settlers who have left their homes in the vicinity, and proceeded to the town for refuge.

I annex, for your information, copy of a letter from the Admiralty having reference to the nature of the aid to be afforded by Her Majesty's naval forces on the station, together with a copy of the reply.

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. &c. (Signed) NEWCASTLE.

Enclosure 1 in No. 2.

Encl. 1 in No. 2.

Sir, Admiralty, May 8, 1860.

I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Her Majesty's Secretary of State for the Colonies, an extract from a letter, dated the 5th March last, No. 12, from Commodore Loring, reporting his proceedings on the coasts of New South Wales and New Zealand, and stating that in the event of a demand from the Governor of New Zealand for assistance to quell any disturbances that might arise at Taranaki in New Zealand, it was his intention to form a naval brigade from the ships under his orders.

I am to request you will state to his Grace the Duke of Newcastle, that my Lords propose by the next mail to inform commodore Loring that although at this distance they are unwilling to give any positive orders as to the landing of a naval brigade, yet that, except on the strongest representations from the Governor, and the most urgent and pressing necessity for their services, they cannot approve of three of the ships under his orders being laid up, and their crews employed in operations on shore

NEW ZEALAND.

As only 400 men and officers can be furnished, even by this impolitic step of laying up the ships, my Lords consider that the forces required to meet the anticipated disturbances should be provided from other sources.

I have, &c.

Sir Frederic Rogers, Bart.,
The Under Secretary of State for the Colonies.

(Signed) W. G. ROMAINE.

EXTRACTS of a Letter from Commodore LORING of the 5th March 1860, No. 12.

I HAVE the honour to acquaint you, for the information of my Lords Commissioners of the Admiralty, that I returned to Sydney from New Zealand in Her Majesty's ship under my command on the 26th February, leaving H.M.S. "Niger" to remain on that station until the season is sufficiently advanced to admit of her meeting me at the Feejees.

I have visited Wangaroa, Auckland, Port Cooper, Wellington, Auckland again, and Kawan.

At Port Cooper I met H.M.S. "Niger," having on board his Excellency the Governor, who was on a tour to the provinces, where his presence was required.

* * * * *

At Sydney I found H.M.S.'s "Cordelia" and "Elk," and the French war steamer "Cassim" of six guns, and despatch vessel "Caledonienne," and I am informed that a fine four-gun screw steamer has passed us to Port de France during my absence.

* * * * *

The "Pelorus" is at Melbourne, having returned from visiting Tasmania.

* * * * *

Since writing the above, I learn from his Excellency Colonel Gore Browne, that there is probability of a serious disturbance at Taranaki, New Zealand. His Excellency has not as yet applied for further assistance than what he already has in the "Niger." But as the news from Europe is of a peaceable tendency, and as the coast about Taranaki is such that ships cannot be of any co-operative use, it is my intention, in the event of his applying for assistance, to take the squadron to Wellington, and there lay up three of the ships, and proceed to Taranaki with a naval brigade (field-pieces, rockets, &c.) to the number of probably about 400 men.

Encl. 2 in No. 2.

Enclosure 2 in No. 2.

SIR, Downing Street, May 31, 1860.

I AM directed by the Duke of Newcastle to acknowledge your letter of the 8th instant, respecting the assistance to be afforded by Commodore Loring, the Commandant on the Australian Station, to the Government of New Zealand, in quelling any disturbances that may arise at Taranaki with the natives.

The Duke of Newcastle trusts that these disturbances will not call for any extraordinary service from Her Majesty's naval forces, nor does the Governor appear to anticipate any such necessity, but, having reference to the extreme importance of a prompt and effectual exhibition of force on the first appearance of rebellion his Grace hopes that the instructions sent out by the Lords of the Admiralty will not have been such as to embarrass the naval officer in command in affording to the Governor such assistance as may be necessary for the security of the Europeans in New Zealand, and the effectual assertion of Her Majesty's authority.

I have, &c.

The Secretary to the Admiralty.

(Signed) FREDERIC ROGERS.

No. 3.

No. 3.

COPY of DESPATCH from his Grace the DUKE OF NEWCASTLE to Governor T. GORE BROWNE, C.B.

(No. 40.)

SIR, Downing Street, June 27, 1860.

I HAVE received your Despatches of the numbers and dates specified in the margin, reporting an outbreak on the part of some of the native tribes in the vicinity of Taranaki, and detailing the operations which had been carried on against those insurgents by the Queen's troops, assisted by the local militia and volunteers, and by the officers and crew of H.M.S. "Niger."

No. 24. 12th March 1860, p. 12.
No. 25. 13th March 1860, p. 15.
No. 26. 20th March 1860, p. 15.
No. 27. 22d March 1860, p. 17.
No. 28. 30th March 1860, p. 24.
No. 29. 31st March 1860, p. 25.

I have received with great regret the report of this outbreak, involving, as it does, many serious considerations, and I had hoped that the precautionary measures which you had adopted would have had the effect of quieting the movement which had been for some time in progress.

I still trust that the considerable reinforcement, both naval and military, which you at once received from the neighbouring colonies, may, in conjunction with the local corps,

have enabled you to prevent the spread of disaffection among the natives, and to pave the way for the restoration of tranquillity. You cannot be surprised to hear that the present demands on the military force of this country render it very difficult to spare any more troops for the service of New Zealand; but if the next reports from you should show that this insurrection is spreading, a regiment will be ordered to New Zealand without delay, for the relief of the 65th, and you will be authorized to retain the latter regiment until the insurrection is put down. I cannot, however, hold out any hope that it will be possible to increase permanently the present military force in the islands.

I place great confidence in the spirit of self-reliance shown by the colonists on the late occasion, as marked by the zeal and alacrity both of the militia and the volunteers, on this the first occasion after their enrolment on which they have been called out for duty; and in communicating your despatches to the Lords Commissioners of the Admiralty, I have felt it due to express my sense of the important services rendered by the officers and crew of H.M.S. "Niger."

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. &c. (Signed) NEWCASTLE.

P.S.—I have much satisfaction in forwarding to you a copy of a letter from the Admiralty, showing the sense which their Lordships entertain of the services performed by the officers and crew of H.M.S. "Niger."

Enclosure in No. 3.

SIR, Admiralty, June 26, 1860.

I HAVE received, and laid before my Lords Commissioners of the Admiralty, your letter of the 25th instant, enclosing printed copies of despatches from the Governor of New Zealand relative to operations carried on in connexion with the native disturbances at Taranaki, and expressing the sense which the Duke of Newcastle entertains of the services rendered on this occasion by the officers and crew of Her Majesty's ship "Niger," and particularly by Captain Cracroft and Lieutenant Blake.

My Lords have had much satisfaction in perusing the account of the gallant and successful attack made by Captain Cracroft on the 28th March on the pah near the Omata blockhouse, and they have been pleased to promote Lieutenant Blake to the rank of commander, and will advance William Odgers, captain's coxswain, who was the first to enter the pah, to be a warrant officer, provided he shall be found qualified for that rank.

I have, &c.

Sir Frederic Rogers, Bart., &c. &c. &c. (Signed) W. G. ROMAINE.

No. 4.

COPY of DESPATCH from the SECRETARY OF STATE to Governor T. GORE BROWNE, C.B.

(No. 48.)

SIR, Downing Street, July 26, 1860.

I HAVE received, and Her Majesty's Government has very carefully considered, your recent despatches respecting the disturbances in New Zealand.

The present posture of affairs I collect to be this: That Wiremu Kingi and the Taranaki tribes have receded from the immediate neighbourhood of New Plymouth, discouraged apparently by Captain Cracroft's successful attack on their pah; that no other tribes have as yet declared themselves on the side of the insurgents; and that there is reason to hope that none will so declare themselves. But you point out as a matter of much importance that the position taken by the Waikatos is one which if persevered in will be inconsistent with the due maintenance of the Queen's authority in the islands.

The reinforcements sent from other points of Australia have raised the number of troops in New Zealand to about 1,800 men, besides volunteers and a naval brigade of about 500 men furnished from the ships of war which are now on the coast of New Zealand. There are now four and will shortly be five such ships.

I do not, however, collect from your despatches that any volunteers have offered to come forward in aid of Her Majesty's Government except those persons who have armed in defence of their own homes, or have been compelled to leave them.

NEW ZEALAND.

Under these circumstances, you and your advisers request that three regiments of infantry and one of artillery may be sent out, partly in order to provide against the possibility of a general rising of the natives, and partly in order to enable you to take, under any circumstances which may occur, a commanding tone respecting the various questions at issue between the settlers and the Maories.

The Native Secretary, I observe, has remarked that with less than 5,000 troops (involving an expense of about 150,000*l.* per annum) it would not be possible to defend all the outlying settlements in the colony; and Mr. Richmond closes his able and interesting memorandum with the following words:

"Justice, therefore, and humanity require that England should freely recognise the "onerous duties cast upon her by the colonization of New Zealand. To avert such "calamities as seem to impend, it is indispensable to place at the disposal of the "Governor a military and naval force adequate to support him in a policy of equal "justice to the two races which have been placed by Providence in a relation to each "other, so singular and difficult."

I must at once say that in the present posture of affairs, and with the demands for troops which exist, or may be expected in other quarters, it is impossible for Her Majesty's Government to comply with your desire to receive 3,000 or 4,000 soldiers, in addition to your present force. Measures, however, have been taken to dispatch the 14th Regiment at once for the relief of the 65th, which will be allowed to remain in the colony for the present, in case on the arrival of the 14th the immediate danger should not have passed over. I trust that it will have passed. And if this should prove the case I cannot but believe that wise government and prudent conduct on the part of the settlers will do far more than an increased military force to maintain the relations between the Europeans and natives on a satisfactory footing.

Meantime I must observe, that, although it is the desire of Her Majesty's Government to provide fully for the performance of those duties which the mother country owes to her colonies, I cannot silently accept what appears to be the colonial estimate of those responsibilities.

England cannot undertake the defence, against a nation of warlike savages, of a number of scattered farms or villages, selected, not with any view to such defence, but to the profitable pursuit of peaceful industry, and subject to the risks which necessarily attend the occupation of land in the midst of an uncivilized population.

Nor can Her Majesty's Government undertake to provide such a force as will secure the colonists against prospective difficulties. Immediate and imminent dangers must be met as they arise. But a policy which requires the continual presence of a large force carries, in most cases, its condemnation on its face.

What is the degree of protection which the inhabitants of a British colony are entitled to expect from the Home Government is a matter on which it is impossible to speak in the abstract. It is no doubt necessary to punish aggression, to defend the centres of population, to maintain a hold upon the keys of the country. But beyond this the amount of assistance given must depend on the demands to which the military and naval forces of the country are subjected elsewhere, and on the urgency of the case as shown, not merely by demands for assistance, but by the disposition of the colonists to adopt their share of the necessary expenses, to incur for the defence of their neighbours the dangers and inconveniences of personal service, and to place in the hands of the Home Government the power of controlling the treatment of those whom they are called upon to subdue.

And I cannot refrain from observing, that neither your despatches nor Mr. Richmond's memorandum indicate any definite intention on the part of the colonists to contribute to the expense of the troops whom they demand; that the volunteering appears to be confined to the particular localities threatened; and that Mr. Richmond, while calling upon the Home Government to adopt the expenses of the war, does not even hint at the propriety of investing it with any larger powers than they at present possess for dealing with the native question out of which these expenses arise. I may add that a Bill introduced into Parliament to provide an effectual machinery for the exercise by the Crown of the powers reserved to it by the Constitutional Act is threatened with a determined opposition by gentlemen professing to represent the feelings of the colonists.

This you will perceive on perusing a pamphlet* which I enclose in another despatch.

* Not printed.

I allude to these circumstances, not of course as relieving the Home Government from the duty of supporting the colony against a pressing danger, but because they must materially affect the disposition of the British Government and people to

undertake that indefinite expenditure of blood and treasure to which Mr. Richmond invites them.

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. &c.

(Signed) G. C. LEWIS.

No. 5. No. 5.

COPY of DESPATCH from the SECRETARY OF STATE to Governor T. GORE BROWNE, C.B.

(No. 52.)

SIR, Downing Street, August 18, 1860.

I HAVE received and communicated to the War Office your Despatch No. 36.* of the 25th of April last, reporting that at your request four 25 cwt. 32.pr. guns had been landed from H.M.S. "Elk," and placed at the disposal of your government. * Page 32.

I should be glad to be informed by you whether these guns are to be regarded as a loan, which has been made to strengthen the hands of the local government at the present crisis, or whether they have been permanently transferred; in which case a claim will hereafter be made in the colony for the repayment of their cost.

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. &c.

(Signed) G. C. LEWIS.

No. 6. No. 6.

COPY of DESPATCH from the SECRETARY OF STATE to Governor T. GORE BROWNE, C.B.

(No. 53.)

SIR, Downing Street, August 27, 1860.

I HAVE to acknowledge the receipt of your despatch of the numbers and dates specified in the margin, bearing on the present state of native affairs in New Zealand. No. 50. 25th May 1860, p. 57. No. 54. 26th May 1860, p. 63.

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. &c.

(Signed) C. FORTESCUE, (In the absence of the Secretary of State.)

No. 7. No. 7.

COPY of DESPATCH from the SECRETARY OF STATE to Governor T. GORE BROWNE, C.B.

(No. 54.)

SIR, Downing Street, August 27, 1860.

I HAVE RECEIVED your Despatch No. 42†, of the 28th April 1860, reporting that a petition had reached you, addressed to the Queen, from certain natives residing at Otaki, praying that Her Majesty would remove you from your government. I have also received your Despatch No. 52‡, of the 25th May last, forwarding the petition, which you had until then detained, in order that you might institute inquiries with regard to the manner in which it had been prepared, and the authenticity of the signatures attached to it. † Page 45. ‡ Page 60.

You will acquaint the persons from whom this petition purports to proceed that it has been laid before the Queen.

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. &c.

(Signed) C. FORTESCUE, (In the absence of the Secretary of State.)

No. 8. No. 8.

COPY of DESPATCH from the SECRETARY OF STATE to Governor T. GORE BROWNE, C.B.

(No. 55.)

SIR, Downing Street, August 27, 1860.

I HAVE to acknowledge the receipt of your Despatch No. 49§, of the 25th May last, enclosing various addresses presented to you by provincial councils and other bodies, § Page 48.

NEW ZEALAND.

approving of your conduct in the matter of the Taranaki land question, and of the measures which you have taken to maintain the Queen's authority in New Zealand; also a letter from the Bishop of New Zealand to the Acting Colonial Secretary, by way of protest, against the statements contained in one of those addresses, with a memorandum by your ministers upon that letter.

I see no reason, as at present advised, to question the justice or propriety of your proceedings towards the chief W. King; and the course which you have pursued under very anxious and difficult circumstances, aggravated, I fear, by the exasperated feelings of some of the settlers against the native race on the one hand, and by an intemperate advocacy of native claims on the other, must command the approval of Her Majesty's Government.

I am happy to find that you receive so cordial a support from your responsible advisers, and to acknowledge the excellent spirit which characterizes the two able memoranda on the Taranaki native question, signed by Mr. Richmond, which you have communicated to me. I should wish you, however, to furnish me with a full report upon the important question which that case has brought prominently forward, the question, namely, of an alleged right, distinct from one of property, existing in the chief of a tribe to assent to or forbid the sale of any land belonging to members of the tribe, in cases where all the owners are willing to sell, and how far such a right has been or ought to be recognised by the Crown.

I need hardly tell you that it is the full intention and earnest desire of Her Majesty's Government (as it has been of their predecessors) that the treaty of Waitangi should be faithfully observed, both in its letter and its spirit.

But without more information than the Secretary of State possesses upon this point it would not appear that the claim in question is consistent with the cession by the New Zealand chiefs to the Queen of their respective rights of sovereignty under Article 1, or of pre-emption under Article 2.

Whether there are reasons, apart from the treaty, in favour generally of the recognition of such right, and whether, as appears to be the truth, they do not justify the claims of W. King upon the present occasion, are further questions upon which you will be good enough to give me your own views and all the information in your power.

I am, &c.

Governor T. Gore Browne, C.B., &c. &c. &c.

(Signed) C. FORTESCUE,
(In the absence of the Secretary of State.)

No. 9.

No. 9.

COPY of DESPATCH from the SECRETARY OF STATE to Governor T. GORE BROWNE, C.B.

(No. 60.)

SIR, Downing Street, August 28, 1860.

* Page 66.

I HAVE received your Despatch No. 55* of the 28th of May, forwarding an Address to the Queen signed by a large number of persons who are residents in the Province of Auckland, praying that measures may be taken for the general welfare of the European and native community.

I request that you will inform the memorialists that their Address has been laid before the Queen, and that Her Majesty was pleased to receive the same very graciously.

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. &c.

(Signed) G. C. LEWIS.

No. 10.

No. 10.

COPY of DESPATCH from the SECRETARY OF STATE to Governor T. GORE BROWNE, C.B.

(No. 66.)

SIR, Downing Street, September 23, 1860.

† Page 84.

I HAVE the honour to acknowledge your Despatch No. 66.†, of the 6th of July, accompanied by a copy of a speech which you propose to deliver to the native chiefs whom you have invited to assemble from all parts of the island.

The topics of the intended speech appear well calculated to allay excitement, and I confide in your judgment as to the opportunity which you have created for making this communication to the chiefs. NEW ZEALAND.

I have, &c.
(Signed) G. C. LEWIS.

Governor T. Gore Browne, C.B.,
&c. &c. &c.

No. 11. No. 11.

COPY of DESPATCH from the SECRETARY OF STATE to Governor T. GORE BROWNE, C.B.

(No. 67.)

SIR, Downing Street, September 26, 1860.

ALTHOUGH the arrangements are not yet sufficiently advanced to admit of conveying to you particulars, the Secretary of State is unwilling to allow the present mail to depart without apprising you that he has communicated with his colleagues on the expediency of furnishing reinforcements to New Zealand, and that early measures will be taken to send an additional regiment to the colony, either from this country or from India, as may be found to be most consistent with the convenience of the service and with despatch in effecting the arrival of the troops at their destination.

It is not improbable that a small portion of artillery will also be sent out.

I have, &c.
(Signed) C. FORTESCUE.
(In the absence of the Secretary of State.)

Governor T. Gore Browne, C.B.,
&c. &c. &.

No. 12. No. 12.

COPY of DESPATCH from C. FORTESCUE, Esq., M.P., to Governor T. GORE BROWNE, C.B.

(No. 68.)

SIR, Downing Street, September 26, 1860.

I AM directed by the Secretary of State to acknowledge your Despatch No. 63*, of the 27th of June, accompanied by a report from the Native Secretary, Mr. McLean, of the great meeting of natives on the Waikato, as well as by a letter from Mr. Turton to Mr. McLean on the same subject. * Page 68.

The Secretary of State has perused with much interest the important information contained in these reports. The conduct of Mr. McLean appears to have been prudent and firm.

I have, &c.
(Signed) C. FORTESCUE.

Governor T. Gore Browne, C.B.,
&c. &c. &c.

No. 13. No. 13.

COPY of DESPATCH from C. FORTESCUE, Esq., M.P., to Governor T. GORE BROWNE, C.B.

(No. 69 A.)

SIR, Downing Street, Sept. 26, 1860.

I AM directed by the Secretary of State to acknowledge the receipt of your Despatch, No. 60†, of the 26th of June, containing some further information on the signatures attached to the native petition of Otaki. † Page 67.

The Secretary of State much regrets to learn the manner in which a large proportion of the signatures are said to have been procured and affixed. You are already aware that, in conformity with custom, this petition addressed to Her Majesty, was laid before the Queen, but you will also have perceived that the Secretary of State did not deem it his duty to advise Her Majesty to take any further notice of it, or to issue any directions on the subject of its prayer.

I have, &c.
(Signed) C. FORTESCUE.

Governor T. Gore Browne, C.B.,
&c. &c. &c.

NEW ZEALAND.

No. 14.

No. 14.

COPY of DESPATCH from C. FORTESCUE, Esq., M.P., to
(No. 70.) Governor T. GORE BROWNE, C.B.

SIR, Downing Street, September 26, 1860.

I AM directed by the Secretary of State to acknowledge your Despatch No. 65*, of the 6th of July, reporting the further military operations which have taken place at Taranaki.

* Page 79.

The Secretary of State laments to learn the reverse which was experienced in the attack made on the native tribes in the neighbourhood of Taranaki on the 27th of June, but he has at the same time to express his sense of the gallantry and steadiness manifested by the officers and men who took part in the action on that occasion.

I have, &c.
(Signed) C. FORTESCUE.

Governor T. Gore Browne, C.B.,
&c. &c. &c.

No. 15.

No. 15.

COPY of DESPATCH from C. FORTESCUE, Esq., M.P., to
(No. 71.) Governor T. GORE BROWNE, C.B.

SIR, Downing Street, September 26, 1860.

I AM directed by the Secretary of State to acquaint you that he has had before him your Despatch No. 64†, of the 28th June, accompanied by a letter from the Right Reverend the Bishop of Wellington and the Venerable Archdeacon Hadfield, on the origin and nature of the pending hostilities with the natives.

† Page 74.

The sacred office held by the Bishop and Archdeacon must command attention to any representation which they deem it their duty to make to the Government, nor does the Secretary of State willingly differ from such authorities; but considering that their statements on the present occasion question the justice of the war in which their countrymen have unhappily become engaged, and gravely impugn the propriety of the course adopted by yourself and your government under the trying circumstances in which you have been placed, the Secretary of State has felt it incumbent on him to do his best to form a correct judgment on the subject, and to express the conclusion at which he arrives. I am desired to state, therefore, that, so far as his information extends, he thinks that you have shown that the Bishop aad Archdeacon have been inaccurately informed on some points, and that they have taken an incomplete view of others, and he finds no reason to withdraw the confidence of Her Majesty's Government in your administration.

In answer to the letter of the Bishop of Wellington and Archdeacon Hadfield, you will communicate to them a copy of the present despatch for their information.

I have, &c.
(Signed) C. FORTESCUE.

Governor T. Gore Browne, C.B.,
&c. &c. &c.

No. 16.

No. 16.

COPY of DESPATCH from C. FORTESCUE, Esq., M.P., to
(No. 72.) Governor T. GORE BROWNE, C.B.

SIR, Downing Street, October 9, 1860.

I AM directed by the Secretary of State to acknowledge the receipt of your Despatch No. 45‡, of the 21st May last, in which you point out the difficulties you had experienced in appointing officers to the local militia; and in reply I am to inform you that the Secretary of State sees no objection to the course which you have taken.

‡ Page 47.

I have, &c.
(Signed) C. FORTESCUE.

Governor T. Gore Browne, C.B.,
&c. &c. &c.

No. 17.

No. 17.

COPY of DESPATCH from C. FORTESCUE, Esq., M.P., to
(No. 77.) Governor T. GORE BROWNE, C.B.

SIR, Downing Street, October 27, 1860.

I AM directed by the Secretary of State to acknowledge the receipt of your Despatch No. 79§, of the 31st July last, reporting the assembling of the native conference at Auck-

§ Page 90.

land; and I am to express to you his satisfaction at learning that the success of this experiment has exceeded your expectations. NEW ZEALAND.

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. &c. (Signed) C. FORTESCUE.

No. 18. No. 18.

COPY of DESPATCH from the SECRETARY OF STATE to
(No. 78.) Governor T. GORE BROWNE, C.B.

SIR, Downing Street, October 27, 1860.

I HAVE to acknowledge the receipt of your Despatch No. 76*, of the 31st July last, forwarding a copy of the speech which you delivered on the 30th of that month at the opening of the sixth session of the General Assembly of New Zealand. * Page 89.

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. &c. (Signed) C. FORTESCUE,
(In the absence of the Secretary of State.)

No. 19. No. 19.

COPY of DESPATCH from the SECRETARY OF STATE to
(No. 80.) Governor T. GORE BROWNE, C.B.

SIR, Downing Street, November 5, 1860.

I HAVE to acknowledge the receipt of your Despatch No. 80†, of the 31st July, forwarding a copy of a letter which you addressed to Major-General Pratt at Taranaki, in order that upon his arrival there to assume the command of the forces in New Zealand he may be made aware of the general aspect of affairs in the colony. † Page 90.

I have, &c.

Governor T. Gore Browne, C.B. &c. &c. &c. (Signed) G. C. LEWIS.

No. 20. No. 20.

COPY of DESPATCH from the SECRETARY OF STATE to
(No. 82.) Governor T. GORE BROWNE, C.B.

SIR, Downing Street, November 8, 1860.

I HAVE to acknowledge the receipt of your Despatch No. 70‡, of the 20th July last, reporting the return of H.M.S. "Cordelia" from New Plymouth to Auckland, and enclosing a letter from Colonel Gold, stating the reasons which have induced him to defer taking any active operations against the natives. ‡ Page 87.

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. &c. (Signed) G. C. LEWIS.

No. 21. No. 21.

COPY of a DESPATCH from his Grace the DUKE OF NEWCASTLE to
(No. 86.) Governor T. GORE BROWNE, C.B.

SIR, Downing Street, November 26, 1860.

I HAVE to acknowledge the receipt of your Despatch, No. 97§, of the 7th of September last, forwarding printed copies of two letters from the Rev. R. Burrows, and of one from Mr. H. T. Clarke, on the subject of the native conference. § Page 127.

You also enclose a printed copy of a protest, signed by the Bishop of New Zealand and several of his clergy, against a bill termed "the Native Offenders Bill," which at the date of your Despatch was under consideration in the Legislative Assembly, together with the answer which was addressed to his Lordship by the Chief Secretary of your Government.

I have, &c.

(Signed) NEWCASTLE.

Governor T. Gore Browne, C.B.
&c. &c. &c.

NEW ZEALAND.

No. 22.

No. 22.

COPY of a DESPATCH from his Grace the DUKE OF NEWCASTLE to Governor T. GORE BROWNE, C.B.

(No. 87.)

SIR, Downing Street, November 26, 1860.

* Page 124. I HAVE received your Despatch, No. 91,* of the 31st August last, in which you transmit an Address from the Legislative Council of New Zealand, in which they assure you of their cordial support in carrying on the war with the natives, and express their conviction of the necessity of the measures which you adopted on this occasion.

I am glad to perceive that your measures command the approbation and will receive the support of the Legislative Council.

I have, &c.

Governor T. Gore Browne, C.B. (Signed) NEWCASTLE.

No. 23.

No. 23.

COPY of DESPATCH from his Grace the DUKE OF NEWCASTLE to Governor T. GORE BROWNE, C.B.

(No. 89.)

SIR, Downing Street, November 27, 1860.

No. 88, 28th Aug. 1860, p. 95.
No 89, 29th Aug. 1860, p. 121.
No. 96, 4th Sept. 1860, p. 127.

I HAVE received your Despatches noted in the margin, with their enclosures, respecting the war in New Zealand, the opening debates on that subject in the House of Assembly, and the recent meeting of the native chiefs at Kohimarama.

The subjects to which these important documents relate are far too intricate and comprehensive to be disposed of under an unusual pressure of business consequent upon my recent return to England from North America, and during the few days which have intervened between their receipt and the departure of the mail. But I think myself bound to indicate to you my general impression on some of the particulars to your despatches refer.

Notwithstanding the mass of information which is afforded by the papers relating to the case of William King, I do not feel able to pronounce an opinion with the confidence I could have desired. The very clear statements of Mr. McLean and others give every reason to believe that this chief is not really entitled to the veto which he claims on sales of land in the Waitara district. And at all events, as I am clearly of opinion that the attempts of the Maori Land League to prevent persons over whom they have no legitimate authority from alienating their lands should be inflexibly resisted, it follows that native chiefs who use their influence to further the usurpations of that league must expect that their pretensions will be severely scrutinized by the Government which they oppose.

Such was undoubtedly the position assumed by W. King towards your Government, and without at present pronouncing upon the prudence of your policy in committing yourself to a land purchase at Taranaki under such circumstances, I cannot doubt that the disloyal and defiant conduct of that chief when his claims were denied by the Government was such as to leave you no other alternative than an appeal to arms. At the same time I do not collect from the papers before me any clear view of the ordinary rights conceded to a native chief in preventing the sale of lands occupied by individuals, nor any distinct statement respecting the degree to which W. King has been practically allowed to exercise these rights by your predecessors, and so perhaps encouraged in the idea that he possessed them.

While, therefore, I am clearly of opinion that military operations, so long as they are necessary, must be carried on with that vigour which is requisite to maintain the authority of the Crown and the credit of the British arms; and while I also think it indispensable that severe punishment should be exacted on account of the unprovoked murders committed by the tribes south of New Plymouth, I should learn with satisfaction that W. King had been induced to make such submission as would enable you to accommodate your quarrel with him without danger to the British supremacy. And I am strengthened in this feeling by observing the evident desire for the restoration of peace which was entertained at the native conference.

Of that remarkable meeting I can speak with less reserve and greater satisfaction. I have perused the account of it with the most lively interest, and I am glad to acknowledge the service which you have rendered to the colony, both by its conception and by the mode in which you have conducted it. The temper of the chiefs leaves nothing to desire. I have observed with great pleasure the generally sensible and reasonable cha-

racter of their suggestions; and though there are some points (as the free importation of arms) on which it will be impossible to comply with their wishes, I anticipate great advantage from the opportunity which they have had of making their sentiments known, and from the general discussion among the Maories of the views which you have taken this opportunity to disseminate. I also observe with pleasure the enlightened interest which the colonists take in their proceedings, and the readiness with which a vote of money has been proposed to provide for a second meeting in 1861. NEW ZEALAND.

The risks attendant on such meetings when viewed as a permanent institution in the colony are obvious; but the advantages are more important and immediate. I consider your ministry to have judged well, both in providing for a repetition of the experiment, and in reserving to themselves full power to arrest it in case it should become formidable.

To what extent the expenses of the war should be defrayed from colonial funds is a question on which I shall address you hereafter. I must, however, express my great surprise at the suggestion which appears to have dropped in debate from the Colonial Secretary, that in a war which is so peculiarly a settlers war, part of the expense of the volunteers and militia should be borne by Great Britain.

The suggestions made in the House of Assembly for the better government of the natives, and for facilitating the purchase of their lands, open a large field on which it would be premature to enter. I will only say, that on both these points I am extremely anxious to co-operate cordially with the Colonial Government, and that the general tone of the recent debates leads me to hope that I shall be able to do so.

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. (Signed) NEWCASTLE.

No. 24. No. 24.

COPY of DESPATCH from his Grace the DUKE OF NEWCASTLE, to Governor (No. 92.) T. GORE BROWNE, C.B.

SIR, Downing Street, 14th December 1860.

I HAVE to acknowledge the receipt of your despatch, No. 82,* of the 13th of August last, enclosing copies of the Addresses from the Legislative Council and House of Representatives of New Zealand, in reply to your speech on the opening of the sixth session of the General Assembly, on the 30th of July last. * Page 92.

I have, &c.

To Governor T. Gore Browne, C.B., &c. &c. &c. (Signed) NEWCASTLE.

No. 25. No. 25.

COPY of DESPATCH from his Grace the DUKE OF NEWCASTLE, K.G., to Governor (No. 8.) T. GORE BROWNE, C.B.

SIR, Downing Street, 26th January 1861.

I HAVE the honour to acknowledge the receipt of your despatch, No. 106†, of the 22nd of October, forwarding two Addresses which have been presented to you, by certain inhabitants of Wellington, and the residents in the valley of the Hutt, respectively. † Page 151.

I have been glad to receive this testimony of the approval, by the inhabitants of those districts whose names are appended to the Addresses, of the measures which you have adopted for quelling the native outbreak in New Zealand.

I have, &c.

To Governor T. Gore Browne, C.B., &c. &c. &c. (Signed) NEWCASTLE.

No. 26. No. 26.

COPY of DESPATCH from his Grace the DUKE OF NEWCASTLE, K.G., to Governor (No. 9.) T. GORE BROWNE, C.B.

SIR, Downing Street, 26th January 1861.

I HAVE received your despatch, No. 109‡, of the 1st November last, and have to acquaint you that the views there expressed will be duly taken into consideration by Her Majesty's Government, in deciding on the general measures to be adopted for the better government of the Natives, and on the mode in which the expenses of the war are to be provided for. ‡ Page 159.

NEW ZEALAND.

I have to observe, however, with reference to the concluding paragraph of your Despatch, that Sir G. Lewis's observation to the effect that a policy condemned itself, which could only be supported by the constant presence of a large armed force, was not intended to imply any censure whatever on yourself.

I have never doubted that without the control of far larger funds for native purposes than have been placed at your disposal by the Colonial Government, it has been quite impossible to adopt such measures as would be effectual for the government and civilization of the Maoris.

I have, &c.

To Governor T. Gore Browne, C.B., &c. &c. &c. (Signed) NEWCASTLE.

No. 27.

No. 27.

COPY of DESPATCH from his Grace the DUKE OF NEWCASTLE, K.G., to Governor T. GORE BROWNE, C.B.
(No. 10.)

SIR, Downing Street, 26th January 1861.

* Page 162. I HAVE to acknowledge your Despatch, No. 110* of the 3rd November last, forwarding a journal of events in the neighbourhood of Auckland, consequent on the death of a Maori, at Patamahoe, who was supposed by the Natives to have been murdered by a European. I have read this detailed report with great interest, and I entirely concur with you in considering that the government of the Natives should be carried on through the chiefs, and that it would be a wise policy to secure to the British Government their faithful services by grants of land or money, or of such other advantages as are calculated to retain their attachment.

I have, &c.

To Governor T. Gore Browne, C.B., &c. &c. &c. (Signed) NEWCASTLE.

No. 28.

No. 28.

COPY of DESPATCH from his Grace the DUKE OF NEWCASTLE, K.G., to Governor T. GORE BROWNE, C.B.
(No. 11.)

SIR, Downing Street, January 26, 1861.

I HAVE to request you to inform the Bishop of Wellington that I have received and considered his letter of the 12th October, which accompanied your Despatch No. † Page 152. 108† of the 31st of that month. I do not, however, think that my interference would be at all benefical in a matter of this kind which involves no public interest, and on which the announcement of my opinion, while it would possess no authority, except so far as it had been anticipated by public opinion, might revive angry feelings which otherwise would have subsided.

Governor T. Gore Browne, C.B., &c. &c. &c.

I have, &c.
(Signed) NEWCASTLE.

No. 29.

No. 29.

COPY of DESPATCH from his Grace the DUKE OF NEWCASTLE, K.G., to Governor T. GORE BROWNE, C.B.
(No. 13.)

SIR, Downing Street, January 26, 1861.

‡ Page 134. I HAVE received your Despatch No. 100‡, of the 29th of September last, respecting certain monies drawn from the commissariat chest for the pay, allowances, and rations granted to the Taranaki militia and volunteers.

It appears that in the first instance you very properly required, as a condition of such issues, that the repayment of these advances should be guaranteed by the Colonial Government.

But a memorandum was brought under your notice, addressed from the Horse Guards to the commanding officers at foreign stations, with respect to the issues of money from the commissariat chest.

There is no appearance that this memorandum had been submitted for the sanction of the Secretary for War or the Lords of the Treasury, and it provides expressly that "the "clothing, arms, rations, and pay of the officers and men" belonging to any local force organized by authority of a Colonial Governor should be "subject to such provision as "may be made by the Colony in pursuance of any legislative enactment passed or to be

"passed for this purpose." It was added, however, that in case of there being no money in the Colonial Treasury to meet such expenditure, the Governor might at once require the issue from the commissariat chest of such "advances" as might be necessary to defend the Colony from aggression, or to preserve public tranquillity. It is plain (as observed in Mr. Stanley Jones' letter of the 10th July) that the authority issuing this memorandum had no power to determine whether these advances were to be ultimately repayable from imperial or colonial funds, and equally clear, I think, that the memorandum contemplates their recovery from the colony in whose interest the expenditure is made.

However, the Under-Secretary appears to have inferred from this document, that the Home Government was prepared to make advances of this kind to Colonial Governments without a guarantee of repayment, and concurring in this opinion you withdrew your demand for such a guarantee. I am quite unable to imagine the grounds on which this inference rests, and I must express my surprise that you should have assented to it.

You inform me, however, that the question "is left for future adjustment between the "mother country and the Colony," which implies that the colonists are at liberty to dispute it. And from the inadmissible principle laid down or indicated in Mr. Richmond's memorandum of the 10th July, and Mr. Gisborne's of the 19th June, it is obviously to be expected that they will do so. I must express my regret that you assented to these views. It is quite true that you were authorized to direct advances from the commissariat chest; but in exercising that discretion it was, I think, your duty not only to have avoided any pledge on the part of Her Majesty's Government that the money advanced should not be reclaimed; but to secure that, if reclaimed, it should be repaid bythe Colony.

I have now to instruct you not to make any further advances to the Colonial Government from the commissariat chest in respect to the expenses of secret service money, or for the maintenance of any local force, except on a distinct pledge given by the Government of the Colony that all such advances will be repaid from colonial funds, so far as the Imperial Government shall require repayment.

I have, &c.

Governor T. Gore Browne, C.B., &c. &c. &c. (Signed) NEWCASTLE.

No. 30.

Copy of DESPATCH from his Grace the DUKE OF NEWCASTLE, K.G., to Governor T. GORE BROWNE, C.B.
(No. 14.)

SIR, Downing Street, January 26, 1861.

I HAVE received your Despatches, Nos. 112* and 114* of the 3rd and 8th of November last, containing the latest intelligence of military operations at Taranaki.

* Pages 164 and 167.

I am fully conscious of the difficulties by which General Pratt is surrounded, and have learnt with much satisfaction his success in destroying a number of native pahs without loss, and in defeating the Waikatos, who were proceeding to the assistance of William King.

I await with much interest the further account of this engagement which you promise, but in the meantime have pleasure in expressing the opinion that it appears to reflect much credit on General Pratt and those under his command.

Governor T. Gore Browne, C.B. &c. &c. &c.

I have, &c.
(Signed) NEWCASTLE.

No. 31.

Copy of DESPATCH from his Grace the DUKE OF NEWCASTLE, K.G., to Governor T. GORE BROWNE, C.B.
(No. 15.)

SIR, Downing Street, January 26, 1861.

I TRANSMIT to you a copy of a letter from the War Department from which you will perceive that Major-General Cameron, at present in command of the troops in Scotland, has been selected to the command of the troops in New Zealand Major-General Pratt being ordered to return to his Head Quarters at Melbourne.

Governor T. Gore Browne, C.B. &c. &c. &c.

I have, &c.
(Signed) NEWCASTLE.

NEW ZEALAND.

Enclosure in No. 30.

Encl. in No. 30.

SIR, War Office January 10, 1861.

I AM directed by Mr. Secretary Herbert to request you to inform the Duke of Newcastle that the present state of affairs in New Zealand renders it necessary, in the opinion of Her Majesty's Government, to appoint a General Officer to the command of the troops in that country; and that Major-General Cameron, at present in command of the troops in Scotland, has accordingly been selected for this duty, Major-General Pratt being ordered to return to his head-quarters at Melbourne.

I have, &c.

T. F. Elliot, Esq., &c. &c. (Signed) B. HAWES.

No. 32.

No. 32.

COPY of DESPATCH from his Grace the DUKE OF NEWCASTLE, K.G., to Governor T. GORE BROWNE, C.B.

(No. 16.)

SIR, Downing Street, January 26, 1861.

* Page 271.

WITH reference to my Despatch No. 15,* of the 26th instant, I have the honour to transmit to you a copy of a further letter from the War Department, from which you will perceive that the command in New Zealand is for the present to be made independent of that of the Australian colonies, and that Major-General Cameron is to have the local rank of Lieutenant-General while employed on service in that colony.

I have, &c.

Governor T. Gore Browne, C.B. &c. &c. (Signed) NEWCASTLE.

Encl. in No. 32.

Enclosure in No. 32.

SIR, War Office, 23rd January 1861.

WITH reference to my letter of the 10th instant, stating that Major-General Cameron had been appointed to the command of the troops in New Zealand, and that Major-General Pratt would be instructed to return to his head-quarters at Melbourne, I am directed by the Secretary of State for War to transmit to you, for the information of the Duke of Newcastle, the enclosed copy of a letter to the Horse Guards, in explanation of the reasons which, in Lord Herbert's opinion, render it advisable that the command in New Zealand should for the present be made independent of the Australian command.

I am to add, that Major-General Cameron will have the local rank of Lieutenant-General while thus employed in New Zealand.

I am, &c.

Sir F. Rogers, Bart. &c. &c. (Signed) EDWARD LUGARD.

Sub.-Encl. in No. 32.

Sub-Enclosure in No. 32.

SIR, War Office, January 22, 1861.

WITH reference to the letter from this Department, dated 8th inst., stating that the Secretary of State for War concurred in the proposed appointment of Major-General Cameron to take command of the troops in New Zealand, I am directed by Lord Herbert to request that you will acquaint the General Commanding in Chief that his Lordship is of opinion that it will be advisable, adverting to the largeness of the force likely to be employed in this colony, the distance from head-quarters, and the importance of the interests involved, that the command conferred upon Major-General Cameron should be separated from the Australian command, constituting him thus independent of the authority of Major-General Pratt, who will return to Melbourne upon the arrival of Major-General Cameron in New Zealand; and he requests that H.R.H. will issue such instructions as may be necessary, as well to Major-General Pratt as to Major-General Cameron, in reference to this arrangement.

Lord Herbert further requests that H.R.H. will be pleased to direct Major-General Cameron to send home the 65th regiment as soon as he possibly can.

I have, &c.

The Military Secretary, &c. &c. (Signed) E. LUGARD.

NEW SOUTH WALES.

DESPATCHES from the Governors of New South Wales and Victoria addressed to the Secretary of State relative to the despatch of reinforcements for the assistance of the Government of New Zealand.

Despatches from the Governor.

No. 1.

No. 1.

Copy of DESPATCH from Governor Sir W. Denison, K.C.B., to his Grace the Duke of Newcastle.

(No. 42.) Government House, Sydney, April 12, 1860.
(Received June 18, 1860.)
(Answered No. 58, June 27, 1860, p. 281.)

My Lord Duke,

I forward herewith copies of a communication addressed to me by the Governor of New Zealand, and have the honour to report, for the information of your Grace, the steps which have been taken to forward reinforcements to New Zealand.

I received the message on Thursday morning, and immediately placed myself in communication with the Officer in command of the troops here, ascertaining from him the number of men which could be detached; I then telegraphed to the General at Melbourne, requesting the necessary authority to detach these men, and suggesting that as large a force as possible should be sent from Melbourne and Tasmania.

In the meantime I had spoken to Commodore Loring, who had also received letters from New Zealand craving assistance; and the "Cordelia," in consequence, sailed on Friday morning for Taranaki; the "Iris" sailed on Saturday for Auckland, and instructions were telegraphed to the "Pelorus," at Melbourne, to fill up coal and stores, and to sail at once for Taranaki.

I heard from the General on Friday approving of the detachment of the troops from Sydney, and stating his intention of sending down 200 men of the 40th Regiment at once to the assistance of the Government of New Zealand.

The detachment from Sydney embarked in a hired steamer on Tuesday the 10th inst., so that I have every right to expect that within ten days from the receipt of the demand for reinforcements 380 or 400 soldiers, and 400 or 500 seamen, will be at the disposal of the Officer in command in New Zealand,—a force which will, I hope, be sufficient to check any disposition on the part of the natives to proceed to extremities.

I forward herewith my official reply to the Governor of New Zealand.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) W. DENISON.

Enclosure 1 in No. 1.

Encl. 1 in No. 1.

Copy of Letter from Col. Gore Browne to Sir W. Denison.

Sir, New Plymouth, New Zealand, March 21, 1860.

I have the honour to forward, for your information, certain documents which will explain the state of affairs in this part of New Zealand.

In the course of a single night the Maoris erected a pah on the land purchased by the Government, and placed about 70 men in it. This pah was so strong that Colonel Gold was occupied during the greater part of two days in effecting an entrance to it. A heavy and constant fire from two 24-pounders, and two rocket tubes, inflicted scarcely any injury on the inmates who concealed themselves in excavations, and finally evacuated it with a loss of only four men wounded, as I am informed.

For several days past this town, which is occupied by women and children and garrisoned by about 300 militia, 125 rank and file of the 65th Regiment, and 50 men from H.M.S. "Niger," has been threatened with attack by the natives of other tribes sympathizing with our opponent, William King, but as yet no such attempt has been made.

New South Wales.

The time is a critical one, and the future depends entirely on my being able to prevent further combinations against us.

The opinions of the best informed persons vary on this subject, but it is quite evident that the force now at the disposal of Col. Gold is not sufficient to enable him to undertake such active operations as would secure the friendship of the many who would at once side with the successful party. Had we been able to bring into the field a strong and efficient force, there is little doubt that the first sparks of this opposition might have been extinguished. William King is now straining every nerve to bring on a war between the races and to contest the sovereignty of the colony, and should he succeed in this attempt, there is no doubt that the struggle will be a severe one, and will require every man we can muster and every exertion we can make.

The Maoris are well aware that they could not meet us in the field, and are not likely to attempt to do so; but they are certainly not the less formidable on that account.

I trust, therefore, you will be good enough to despatch, with the least possible delay, as strong a reinforcement as you can possibly afford.

An efficient force brought into the field at once will probably put an end to what may otherwise prove a long and tedious affair.

I beg your special attention to the enclosure from Col. Murray, who has been four years in this province, and has great knowledge and experience in native affairs. The letter from the Native Secretary is also most valuable, as giving a resumé of what has been collected from friendly natives, who are but few in number.

Mr. Hall, the gentleman who is the bearer of this to your Excellency, will be able to give you further particulars, and answer any inquiries you may wish to make. He is a resident magistrate, and has just resigned his seat in the House of Representatives.

I have, &c.

His Excellency the Governor General, Sydney. (Signed) T. Gore Browne.

Encl. 2 in No. 1.

Enclosure 2 in No. 1.

Copy of Memorandum from Mr. C. W. Richmond to Colonel Gore Browne.

Memorandum.

New Plymouth, March 20, 1860.

I have read the letter, dated March 17, addressed to his Excellency the Governor by the Native Secretary, Mr. McLean, in which that officer urges the necessity of an immediate augmentation of the military force in New Zealand.

The leading promoters of the Maori King movement in Waikato and elsewhere, assert the national independence of their race, and oppose the further extension of European settlement. They sympathize profoundly with armed resistance to the British Government, more especially with armed resistance to the further cession of territory to the Crown.

It has long been manifest that the first attempt to enforce obedience to the Governor's decision on any question affecting natives, might bring the disaffected tribes to the point of open rebellion. Hence the anxious desire so frequently expressed of his Excellency and his advisers, for an increase of the military and naval forces in New Zealand.

An occasion has now arisen on which it has become necessary to support the Governor's authority by a military force. The issue has been carefully chosen—the particular question being as favourable a one of its class as could have been selected. In the absence of a powerful native party, leagued and organized to oppose the sale of land, it could be easily disposed of. But in the present condition of native feelings it cannot be doubted that the state of the colony is critical, and British authority is in jeopardy, simply because it has been boldly asserted.

I therefore entirely concur in the opinion of the Native Secretary, that the military force in this colony should be forthwith augmented to the greatest extent practicable.

I have, &c.

His Excellency the Governor, &c. &c. &c. (Signed) C. W. Richmond.

Encl. 3 in No. 1.

Enclosure 3 in No. 1.

Copy of Letter from Native Secretary to Colonel Gore Browne.

Sir, Taranaki, March 17, 1860.

From the present combination among the native tribes around this settlement, I feel it my duty to report to your Excellency that the present military force is not sufficient for the protection of this place. It is stated on good authority that the Ngatiruanui and Taranaki tribes, mustering 1,200 warriors, are prepared to make an attack on the town, while William King and his immediate followers, at least 300 strong, will fight to the last at the Waitara.

Independent of this combination, it is much to be apprehended now that the natives have buried the hatchet among themselves, and yielded allegiance to King Potatau, that the powerful Waikatos, several thousand strong, and many of the numerous and disaffected tribes of the east coast in the vicinity of Poverty Bay, may be implicated in the present contest, with a view of asserting their national independence, and throwing off their nominal allegiance to Her Majesty.

This circumstance, together with the manifest symptoms of bad feeling recently displayed by the natives, induces me to urge most respectfully on your Excellency the necessity of obtaining a stronger force without delay for the protection of the English settlements, and for vindicating Her Majesty's sovereignty over the island.

I am of opinion that it would require a force of not less than 5,000 men to defend the various isolated and scattered settlements of the Northern Island.

I have, &c.

His Excellency Colonel Gore Browne, C.B., (Signed) Donald McLean,
Governor of New Zealand. Native Secretary.

Enclosure 4 in No. 1.

Encl. 4 in No. 1.

Copy of Letter from Lieut.-Colonel Murray to the Private Secretary.

Sir, New Plymouth, March 20, 1860.

I deem it my duty most respectfully, but earnestly, to bring under the consideration of his Excellency the Governor, the inadequate force at my disposal for the proper protection of New Plymouth, threatened as we are with attack from neighbouring tribes, mustering, as is rumoured, some 1,200 men well armed.

I have already pointed out the most assailable points requiring immediate defence, but a glance at the garrison state will show how utterly impossible it will be to keep up the duties by day and night, which circumstances render absolutely necessary, and I regret to say that present appearances leave but little hope of any speedy termination to this state of affairs, unless promptly and strongly reinforced.

I am sure his Excellency will exonerate me from any wish, unnecessarily, to magnify evils; the facts of the case are palpable.

We have on three sides of us powerful tribes, who, there is reason to believe, would combine (should a favourable opportunity offer) for the purpose of trying to re-establish native sovereignty.

I hope I am not travelling out of my proper course in alluding to this question, but I act solely from a sense of duty, and I think I should fail in the proper performance of that duty, did I not strongly urge the necessity for a force of at least 1,200 men in this province at the present moment for the proper protection of the scattered settlement, bearing in mind that if the present disturbances spread, this province will, in all probability, be the ground on which the struggle will commence, and on which it will be longest maintained.

I have, &c.

(Signed) G. F. Murray,
Brevet and Lieut.-Col. 65th Regiment,
Commanding Garrison.

The Private Secretary, &c., &c.
New Plymouth.

P.S.—I beg to observe that I have confined myself solely to the subject of the defence of Taranaki where I have been stationed for upwards of four years. The proper provision for garrisoning New Zealand is beyond my province.

Enclosure 5 in No. 1.

Encl. 5 in No. 1.

Copy of Letter from Colonel Gold to Colonel Gore Browne.

Sir, Waitara, March 20, 1860.

In consequence of the disturbed state of the country (hostilities with the natives having commenced), I have the houour to request that your Excellency will be pleased to apply to the Governors of Sydney, Melbourne, and Tasmania, for as large a reinforcement in ships (particularly steamers), Artillery, Engineers, and troops of the line, as they can spare, the very appearance of whom (promptly) would most probably induce the Maori people to wish for the return of peace, and avoid some considerable waste of life and treasure.

I have, &c.

His Excellency the Governor, (Signed) C. E. Gold.
&c. &c. &c.

Enclosure 6 in No. 1.

Encl. 6 in No. 1.

New South Wales,

Sir, Government House, Sydney, April 9, 1860.

I received your Despatch, dated March 21, at 2 o'clock, A.M., on Thursday the 5th instant, and having communicated by telegraph to the Major General commanding the forces at Melbourne

NEW SOUTH WALES.

obtained his sanction to the dispatch of 125 men of the 12th regiment, 40 artillery men and 6 engineers.

I requested the General to send down all the troops which could be spared from Victoria and Tasmania, and I have reason to believe that upwards of 250 bayonets will sail from Melbourne to your assistance immediately.

Commodore Loring has sent orders to the "Pelorus" to sail from Melbourne to Taranaki; the "Cordelia" left Sydney on Friday morning for the same destination, and the Commodore sailed with the "Iris" on Saturday for Auckland, where he will be able to leave his ship and proceed by way of Manukau to your assistance with all the men whom he can spare.

I would however wish to bring clearly before you the fact that the whole of the available force in these seas will in the course of a few days be at your disposal, and that it will be altogether out of the power of the Major General in command to dispatch further reinforcements, should any rash move on the part of the Officer in command in New Zealand lead to more extended combinations on the part of the Maori population, or an unsuccessful attempt to reduce any of their strongholds, stimulate those who are now in arms for a specific object to increased activity.

I have, &c.

siH Excellency Colonel Gore Browne, C.B., &c. &c. &c.

(Signed) W. DENISON.

No. 2.

No. 2.

COPY of DESPATCH from Governor Sir W. DENISON, K.C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 63.) Government House, Sydney, June 8, 1860.

MY LORD DUKE, (Received, August 10, 1860.)

WHEN the Governor of New Zealand applied to me for assistance in the difficulty which had arisen between his government and the Maories, he sent up, for my information, a sort of manifesto drawn up by Mr. Richmond, one of the members of his Executive Council, a copy of which I transmitted to your Grace with my Despatch, No. 42,* dated 12th April last.

* Page 273.

In my correspondence with Colonel Gore Browne I alluded to the exposition of the policy of the Government contained in this document, and I received from him the more formal document (which I herewith enclose), drawn up by Mr. Richmond, as the mouthpiece of the Ministry at Auckland, explanatory of the opinions entertained by the advisers of the Governor of the state of the relations between the Maories and the white population.

Printed at p. 40.

In a private letter to Colonel Gore Browne, a copy of which I take the liberty of forwarding herewith, I have commented upon the document put forth by his advisers, and have at the same time sketched out a course of policy which would, as it appears to me, remedy many of the evils which have arisen out of the anomalous system hitherto pursued towards the Maories.

If the present state of relations between the two races is allowed to continue, outbreaks like the present will recur periodically, demands will be made for military assistance with which it will be difficult to comply, and claims for assistance from the Imperial Treasury which will not be willingly responded to, and which, if entertained, will only serve as precedents for similar demands from other colonies.

A change, therefore, in the mode of dealing with the native race in New Zealand is urgently required, and I trust that in bringing, as I have done, my views of the character of this change before the Governor of New Zealand, and in submitting them to your Grace I shall not be deemed to have meddled presumptuously in a matter with which I have no concern.

I have, &c.

His Grace the Duke of Newcastle, &c. &c. &c.

(Signed) W. DENISON.

Enclosure 1 in No. 2.

Government House, Sydney,
May 16, 1860.

My dear Gore Browne,

The mail having closed I am now at leisure to look into, and discuss the contents of the printed document which you sent me, containing the expression of the views and opinions of your responsible advisers on the present state of Maori affairs.

I do not think that you have derived much information from this document; the views and opinions of your responsible advisers are to all appearance confined to these:—1st, that they ought to have something to say in the discussion of questions having reference to the natives (of whom, I may observe by the way, they are in no way the representatives); and 2nd, that as they are unable to defend themselves England should step in to help them.

With reference to the first of these opinions, I may observe that the collision between the races would have been precipitated had the settlement of questions affecting the Maories been left to the white men, who have a direct interest in obtaining the principal article which the natves has to dispose of, namely, his land, With reference to the 2nd opinion, every one will of course admit that the mother country is bound to defend the colonies and to help them out of difficulties; but there yet remain these questions,—against whom are they to be defended? and what is the nature and extent of the assistance to be afforded?

Mr. Richmond's paper, however, opens up a much wider question than was, I think, contemplated by him and his colleagues, nothing less in fact than that of the whole policy of the Government as regards the Maories; and to this I will now address myself, taking, as correct, the statements made of the facts relative to the establishment of the Presidency of Potatau, but exercising my own discretion as to the admission or rejection of the inferences, whether as to the motives which have influenced the natives in their movement, or as to the results which are likely to flow from it.

The fact then, which appears to be established, is the willing assent of a large proportion of the Maori race to the establishment of some system of government amongst themselves.

Mr. Richmond passes over very lightly the causes which have induced a people, consisting of clans or septs analagous to those which used to occupy the Highlands of Scotland, to forget their old feuds, and to unite together for a common object. He says little or nothing as to the origin of the wish on the part of the Maori to subvert the Queen's authority over the Northern Island, and but little more as to the foundation of their wish to prohibit all further alienation of land to the Crown. Might not, however, the movement have its origin in the conviction of the natives, that their position as nominal subjects of the Queen, while it brought them under a variety of limitations, preventing them from selling their land to private individuals, and subjecting them to taxation at the hands of the white population occupying the seaports, did absolutely nothing for their benefit, and was the means of preventing the introduction of more wholesome social arrangements, having a tendency, as administered, to retain them in the position of isolated savage tribes, instead of assisting to raise them to the rank of a people; and, with regard to the alienation of land, might there not exist a well founded distrust of a Government which, while it will not permit the sale of land to individuals, does, by holding out inducements which few savages are able to resist, acquire the article which the Maori has to sell at a very low rate (6*d*. or 1*s*. per acre) which article is instantly retailed to the white man at 10*s*. per acre.

The fact is, that Mr. Richmond's letter is based on the assumption that New Zealand is a colony of white people, with whom, unluckily, there happens to be mixed up a portion of the native race strong enough to make itself respected. His policy, and that of his colleagues, would lead to steps which, if they were backed up by England, would in a short time annihilate the Maori race, and permit the occupation by the white man of the rich land yet in native hands, upon which, for years past, greedy and longing eyes have been cast.

My view, however, of the Maori is very different—he is the subject of the Queen, and as such, is entitled to have his rights respected, his feelings considered; he has shown an aptitude for civilization which ought to be encouraged; his efforts to raise himself in the social scale should be assisted. If this policy were carried out steadily and consistently, all causes of disaffection would soon be done away; there would be an end to these petty warfares, which, while they cause a large expenditure of money, result in nothing but an aggravation of the feeling of hostility between the races. The Government would, it is true, be abused by certain classes of the white population. The land speculators might grumble, but I feel convinced that the prosperity of the colony and the happiness of the people would be promoted by such a change of system.

You may say that all this is Utopian, that it supposes a state of things which cannot exist; this, however, would be to beg the question. You may, however, very fairly ask by what means it is proposed to work out such a reorganization of society. If you recollect, when I was with you in 1857, we were talking of the policy to be adopted towards the Maories, and I then suggested that your legislation should be based upon the positive fact that the inhabitants of the colony, consisted of two distinct races, whose amalgamation, however desirable it might be, could not be expected to take place for very many years. My opinion now is much the same as it was then, and the late occurrences have only served to give greater distinctness and precision to that which in 1857 was more an instinctive feeling than a carefully formed opinion.

You have now, as a fact, the establishment of something analogous to a general government among the Maories, a recognition on their part of the necessity of some paramount authority; this is a step in the right direction—do not ignore it—do not, on the ground that some evil may possibly spring from it, make the natives suspicious of your motives by opposing it, but avail yourself of the oppor-

New South Wales.

tunity to introduce some more of the elements of good government among them. Suggest to them the necessity of defining and limiting the power of the person who has been selected as the Chief or King (I should not quarrel with the name), of establishing some system of legislation, simple of course at first, but capable of being modified and improved; but do not attempt to introduce the complicated arrangements suited to a civilized and educated people; recognize publicly and openly the Maories, not merely as individual subjects of the Queen, but as a race, a body whose interests you are bound to respect and promote; and then give to that body the means of deciding what these interests are, and of submitting them, in a proper form, for your consideration. This, you may say, will be very well for the future, but how will it affect the issue of the present quarrel between the Government and the Maories? It appears to me that it will have a most material operation upon the combinations of the Maories—if Potatau and his abettors are made aware that there is a prospect of obtaining by legitimate means a recognition of their position, and an acknowledgment of their rights—they will hardly be induced to plunge into a contest in which they must eventually be worsted; they will withdraw from the present contest, and leave you to deal with Kingi and his immediate adherents; and these, when they find themselves unsupported by the other tribes, will speedily be brought to submission.

The first effect, of course, of the new system of policy will be the cessation of purchases of land from the Maories; they will decline to sell; and, were I in your place, I should be in no hurry to buy. In proportion, however, as the Maori gets more civilized, will his appetite for gain overpower his nationality, and he will be found in a short time quite willing to part with his land to purchasers who will give him a better price for it than his native friends. I do not, therefore, believe that the prohibition of sales to the Government would prevail for any length of time, in case the Government can be persuaded to give the full value for the land; but you will have to give up your present practice of purchasing land at a cheap rate from some of your subjects, and of retailing it at a high rate to others; in fact, the Government must show itself impartial, and, if circumstances compel it to limit the power of the Maori to sell to any but the Government, the latter must give him the full market value of his land, less of course the costs of survey, &c.

I do not think that you would have much difficulty, under such circumstances, in arranging for the cession or purchase of a certain amount of land round New Plymouth, in order to get rid of the anomalous state of things produced by the mode in which the Government has purchased land in isolated patches, to which there is no access except through land belonging to the Maories.

I ought to apologise for giving you my "views and opinions" as to a matter of which I have but a partial knowledge; but thinking that these views and opinions are more clear, and based upon sounder principles than those of your responsible advisers, I gave them to you for what they are worth.

There is no question but that the common and ordinary mode of dealing with the differences between the white man and the Maori would be to treat the latter as a rebel, to pour in troops regardless of expense, and eventually to sweep away a race which occupies land of which the white man professes to be in want, though he has millions of acres of which he can or does make no use. This, however, is a very costly mode of dealing with such a matter, to say nothing of its immorality and injustice.

The Imperial Government will have to pay a high price for the land, which, after having purchased it with its blood and treasure, it hands over to the colonists to sell for their benefit.

While then the ordinary course of proceeding will be found both immoral and impolitic, that which I have sketched out will be conducive to the best interests of the Government and the people, and as such I commend it to your consideration.

Believe me, &c.
(Signed) W. Denison.

No. 3.

No. 3.

Copy of DESPATCH from Governor Sir W. Denison, K.C.B., to his Grace the Duke of Newcastle.

(No. 77.) Government House, Sydney, July 14, 1860.
(Received, September 19, 1860.)
(Answered, No. 82, October 12, 1860, p. 281.)

My Lord Duke,

I have the honour to forward herewith a copy of a Despatch which I have received from the Governor of New Zealand, enclosing copies of reports from the Officer commanding the troops at Taranaki, giving the account of the failure of an attack made upon the position occupied by the Maories.

As I had reason to believe that Colonel Gold had not communicated on the subject with General Pratt, I sent these reports at once to head quarters, from whence they will doubtless be transmitted to the Secretary for War.

In accordance with the urgent demand made upon me for reinforcements, I have after communicating with General Pratt, and consulting the Officer commanding the

troops in New South Wales, been enabled to send from hence 100 men, with stores, ammunition, and provisions, retaining here the head quarters of the 12th regiment, with hardly more men than are sufficient to mount the ordinary guards. New South Wales.

I have, however, in order to make up the number above stated, been obliged to detain a detachment of 25 men and an officer, which was about to proceed to Queensland, the presence there of such a small body could be of little or no importance at present, while it is essential that every available man should be brought as soon as possible in front of the enemy.

Captain Cater, Royal Navy, has placed at my disposal Her Majesty's Ship "Fawn," and has with the greatest readiness undertaken to convey without delay the whole of the detachment from hence to New Zealand, while the "Niger" which is now in dock, will be able in the course of a week or ten days to take down any men and stores which may be forwarded from Melbourne.

I transmit herewith a copy of my Despatch to the Governor of New Zealand, notifying the steps which I have taken to comply with his demand for reinforcements; in this I have thought myself justified in alluding to the possibility that the troops sent from hence might be sent to garrison Auckland; against this I have protested, as the object of sending troops from Australia to New Zealand is not the protection of this town or that town against possible attacks, but the accumulation of such an active force in the field as may be sufficient to convince the Maories of the inutility of resistance, and thus to terminate as speedily as possible a state of things which is ruinous to New Zealand, and which must cause a most serious expense to the mother country.

I have, &c.

His Grace the Duke of Newcastle, (Signed) W. DENISON.
&c. &c. &c.

Enclosure 1 in No. 3. Encl. 1 in No. 3.

Colonel T. Gore Browne to Sir W. Denison.

New Zealand.

Government House, Auckland,
July 6, 1860.

Sir,

I have the honour to forward copies of a correspondence I have received from Colonel Gold informing me that a part of his force has met with a reverse, and requesting me to apply for "every available soldier that can by any means be dispensed with." I have also a memorandum from my responsible advisers urging me to repeat my former request relative to the rifles, with accoutrements, et ceteras, which your Government has ordered from England.

I should feel very much obliged if you will comply with both these requests as far as it may be in your power to do so.

I take the liberty of forwarding an open letter addressed to Messrs. Hebbert and Hume, ordering rifles, revolvers, and carabines; and should you be able to let us have the rifles, I would beg the favour of you to add a postscript, saying the rifles have been supplied by your Government, and will not be required.

I beg of you to urge upon General Pratt the necessity of sending every man who can be spared from Australia, as it is impossible to say what effect the late reverse may have on the rest of the Maori tribes.

The vessels bringing any troops which may be sent should be directed to come into the Manukau harbour, whence they can be despatched to Taranaki, or landed for Auckland as may be required.

I have, &c.

His Excellency Sir W. Denison, K.C.B., (Signed) T. Gore Browne.
Governer-General, New South Wales.

P.S.—If H.M.S.S. "Niger" be still at Sydney, her services could probably be made available in bringing troops to the Manukau.

Enclosure 2 in No. 3. Encl. 2 in No. 3.

Sir W. Denison to Colonel T. Gore Browne.

New South Wales.

Government House, Sydney,
July 13, 1860.

Sir,

I have the honour to acknowledge the receipt of your Despatch by the "Victoria," which arrived at Sydney on the night of the 11th instant.

NEW SOUTH WALES.

I deeply regret the unfortunate occurrence which has compelled you to apply for further reinforcements, a demand which, owing to the very limited force now quartered in the Australian colonies, can be complied with to an extent but little more than sufficient to replace casualties, and which most certainly will not place the officer in command of the troops in New Zealand in a better position than he was before he directed this unfortunate attack upon Waitara.

I have arranged with General Pratt to send from Sydney 100 men of the 12th regiment, and these will be sent down by the "Fawn" which I have detained for the purpose; the remainder of the disposable force will be sent down by the "Niger," which will leave this in about ten days or a fortnight, or perhaps by the "Victoria" should the Governor of Victoria be disposed to sanction the employment of this vessel for the purpose.

With reference to the rifles which you require, as those which were ordered by the New South Wales Government have not been received from England, I have thought it better to allow your order to the agents in England to go forward by the mail which leaves this according to the new arrangement on the 22nd instant.

In the last paragraph of your Despatch you say that vessels conveying troops should be directed to come into Manukau harbour, whence they can be dispatched to Taranaki, or landed for Auckland, as may be required. With reference to this I would observe, that the only ground upon which I should feel justified in detaching to New Zealand so large a portion of the force required for the defence of these colonies, is the necessity of placing in the hands of the Officer in command such a number of men as may enable him to overcome at once the opposition of the natives; and I must both as Governor General of Australia, and as a military man, protest against the dissemination of these troops in small detachments, for the purpose of securing the inhabitants of particular districts from possible attacks from the Maories, attacks which if they do take place can have no effect upon the result of the war, but which if prevented by the presence of detachments of troops by which the force at the disposal of the Officer in command is rendered ineffective, can only prolong a state of things which for the sake of the colony itself should be terminated as speedily as possible.

I have, therefore, directed Captain Cater to sail direct to Taranaki, the seat of active operations.

I have, &c.

His Excellency Colonel T. Gore Browne, &c. &c. &c.

(Signed) W. DENISON.

Despatches from the Secretary of State.

No. 1.

Copy of DESPATCH from his Grace the Duke of Newcastle to Governor Sir W. Denison, K.C.B.

(No. 58.)

Sir, Downing Street, June 27, 1860.

I have received your Despatch, No. 42,* of the 12th of April last, reporting the measures which you had taken on the application of the Governor of New Zealand for affording military assistance to that colony, in consequence of the native outbreak at Taranaki; and I have to express the acknowledgments of Her Majesty's Government of the prompt measures which you adopted, and of the willing co-operation afforded by the Government of New South Wales in dispatching all the available force in the colony to the succour of New Zealand.

* Page 273.

I have, &c.

Governor Sir W. Denison, K.C.B., &c. &c. &c.

(Signed) NEWCASTLE.

No. 2.

Copy of DESPATCH from the Secretary of State to Governor Sir W. Denison, K.C.B.

(No. 82.)

Sir, Downing Street, October 12, 1860.

I have to acknowledge the receipt of your Despatch, No. 77,† of the 14th July last, reporting the steps you had taken for complying with the Governor of New Zealand's request for reinforcements to assist in putting down the native outbreak in that colony.

† Page 278.

In reply, I have to express to you the thanks of Her Majesty's Government for the readiness with which all disposable troops have been spared from New South Wales for service in New Zealand.

I have, &c.

Governor Sir W. Denison, K.C.B., &c. &c. &c.

(Signed) C. FORTESCUE.
(In the absence of the Secretary of State.)

VICTORIA.

Despatches from the Governor of Victoria.

No. 1.

COPY of DESPATCH from Governor Sir HENRY BARKLY, K.C.B., to his Grace the DUKE OF NEWCASTLE.

(No. 5.) Government Offices, Melbourne,
April 20, 1860.
(Received June 18, 1860.)
(Answered, No. 42, June 27, 1860, p. 288.)

MY LORD DUKE,

ALTHOUGH the steps taken in the Australian colonies in consequence of the outbreak of another Maori War in New Zealand, will no doubt be reported by the Military and Naval Officers commanding, to their respective Departments, it may be well that I should inform your Grace of them so far as this colony is concerned.

I enclose, therefore, copies of my letters to Major-General Pratt, and to the Governor of New Zealand, from which it will be seen that this Government not only readily acquiesced in the reduction of the garrison, but placed the colonial war steamer "Victoria" at the disposal of the Imperial Government on the most liberal terms. Encls. 1 and 2.

I have suggested to the Governors of the other colonies that they should follow the example likewise here set, of prohibiting in Council the exportation of arms and ammunition to New Zealand, as all experience proves the importance of cutting off the supply of such articles at the commencement of any struggle with an uncivilized race incapable of their manufacture.

I trust the precautions taken will lead to the speedy extinction of the present war; but as the presence of a considerable body of troops in the Northern Island will no doubt be requisite for a considerable time afterwards, I feel it my duty to urge most respectfully upon Her Majesty's Government the expediency of sending strong reinforcements from home without delay, since the small detachments allotted respectively to these colonies cannot be permanently reduced without extreme inconvenience.

Already, indeed, has a discussion arisen in the Legislative Assembly of this province on the subject, as your Grace will perceive from the enclosed Newspaper extract; and though the feeling of the House was clearly against Mr. Ebden, the former Treasurer, by whom the question was raised, I could not answer for the result if the next mail should bring more warlike news from Europe. Enclosure 3.

I have, &c.
(Signed) HENRY BARKLY.

His Grace the Duke of Newcastle,
&c. &c. &c.

Enclosure 1 in No. 1.

His Excellency Sir HENRY BARKLY, K.C.B., to the Hon. Major-General PRATT, C.B.

Government Offices, Melbourne,
April 16, 1860.

SIR,

I HAVE the honour to bring to your notice a Despatch, with its enclosures, which I have received this day from the Governor of New Zealand, representing the urgent necessity which has arisen, in consequence of a rupture with a native chief of influence, for despatching with the least possible delay as large reinforcements as can be spared from this and the other Australian Colonies.

I am aware that you are in communication with the officer commanding in that colony on the subject, and have already taken steps for completing the force which he has required to be placed under his orders. I will therefore only add, so far as this colony is concerned; that having consulted my Executive Council I can answer for their willingness, under the circumstances, to acquieste in

VICTORIA.

any reduction of the garrison that you may think it advisable from time to time to effect; and I am further authorised to place at your disposal the colonial steam sloop "Victoria," for the purpose of carrying troops and stores to New Zealand, and of conveying them under the directions of the authorities there from port to port along the coast, or otherwise co-operating for the assistance of the troops, or the protection of Her Majesty's subjects.

Captain Norman will receive written instructions to the above effect, and his vessel will be ready for sea in eight and forty hours.

I have engaged that the Imperial Government will, at the end of the voyage, replace or pay for the coals consumed, and that any premium of insurance that may be exacted by the insurance offices here, for the risk to the vessel whilst engaged in such service, shall be reimbursed to the colony.

I have, &c.

The Hon. Major-General Pratt, C.B. (Signed) HENRY BARKLY.

Encl. 2 in No. 1.

Enclosure 2 in No. 1.

His Excellency Sir H. BARKLY, K.C.B., to his Excellency Governor BROWNE.

Government Offices, Melbourne,

SIR, April 17, 1860.

I YESTERDAY afternoon received your Excellency's Despatch of 21st ult. (which was forwarded to me by Mr. Hall, who has not yet arrived from Sydney), and lost no time in bringing the application for a reinforcement of troops to repress the outbreak of the Maories, under the consideration of Major-General Pratt.

The progress of the dispute at Taranaki had from its commencement been watched with apprehension both by myself and the Major-General. When news of the proclamation of martial law first reached us by telegram from Sydney on the 7th ult., I telegraphed at once to the Governor-General to know if assistance had been asked for but as the reply was in the negative, nothing could be done but hold ourselves in readiness for the event.

When accordingly, on the receipt of further intelligence, Sir William Denison telegraphed to me on the 5th inst. that reinforcements were required, no time was lost in despatching H.M.S.S. "Pelorus," with tents and ammunition, whilst General Pratt at once authorised the despatch of the proposed detachments of artillery, and of the 12th regiment from Sydney, and took immediate steps to prepare for embarkation; hence a further detachment of 230 rank and file of the 40th regiment to proceed as soon as a steamer capable of accommodating it could be chartered.

Owing to the absence of the directors of the different steam companies, and other delays arising from the Easter holidays, as well as mishaps to the telegraph wires both between this and Sydney, and also Hobarton, much difficulty was experienced in this matter, and it was not until yesterday that the "City of Hobart," which had been finally fixed on, was delivered over to the military authorities.

The detachment embarks in her to day completely equipped for service in the field, and I am confident will be found a most valuable and efficient reinforcement.

As by the same opportunity as brought your Excellency's Despatch, Colonel Gold, commanding the troops in New Zealand, reported to the Major General commanding, that in addition to artillery and military stores he required 500 infantry, General Pratt has determined on supplying the balance not yet sent of this force from Tasmania; and as there is no steamer of suitable capacity for hire in this harbour at the moment, I have, with the full concurrence of my Executive Council, placed the war steamer "Victoria," the property of this colony, at his disposal, and she will proceed to-morrow to Hobarton to embark two more companies of the 40th, or as many of their number as she can conveniently accommodate, say about 120.

Captain Harman, her commander, will return hither when this service is completed, but his instructions will authorise him, in case of necessity, to place himself temporarily under the orders of the senior naval officer on the station, for the conveyance of troops or stores along the coast, or for the protection otherwise of the lives and property of Her Majesty's subjects.

The strong military and naval reinforcements thus sent, will, it is to be hoped, enable your Excellency, as you anticipate, to put an end to the war before disaffection spreads to any serious extent among the native population.

They have nearly denuded the Australian colonies of the protection afforded by the Imperial Government; but nevertheless, should further necessity unfortunately arise, General Pratt will be prepared to strain every nerve to send another detachment of two or three hundred men; and I am happy to add, so far as this colony is concerned, that the sympathy for the colonists of New Zealand is so strong that no objection would be raised to the reduction of the garrison to the lowest practicable point.

I have, &c.

His Excellency Governor Browne. (Signed) HENRY BARKLY.

P.S.—I have thought it advisable to issue an Order in Council prohibiting the exportation of arms and ammunition from this colony to New Zealand, except under a special permit.

(Signed) H. B.

Enclosure 3 in No. 1.

EXTRACT from the "ARGUS" Newspaper of 19th April 1860.

The Troops despatched to New Zealand.

Mr. Ebden inquired how the cost of the transit of and allowance to the troops who had left the colony recently for New Zealand would be discharged? It would be satisfactory for the House to know that while deprived of the services of the officers and privates of the 40th regiment, and also of the naval force, the colony did not pay the cost of their conveyance and services.

Mr. M'Culloch observed that the Governor, on the application of the Major-General, did not deem it right that there should be any obstacle in the way of the soldiers leaving for New Zealand, and at once undertook that the colonial pay should be continued until the 31st of May, when the Imperial Government would become answerable. It was clear that the men would not have left their families in the satisfactory way they ought to have done but for this provision being made.

Mr. Ebden.—And with regard to the naval force?

Mr. M'Culloch replied that that force was treated in the same manner.

Mr. Ebden then went on to refer to the policy pursued by this colony in subsidizing the Imperial troops, and expressed a hope that the day would shortly arrive when the colony would not be called upon to do so any longer. He looked upon the system, as he had before stated, as bad. It was well known that a promise was given on a former occasion that certain allowances should cease to be given, but that had not been the case. It was not the amount, but the principle, with which he found fault. He considered the Government should call the attention of the home authorities to the fact that while, from the importance of the colony, it was deemed necessary to have a regiment of soldiers here, the Imperial pay should be deemed sufficient, and that while the incomes of other members of the community were being diminished there was no real necessity for the present large subsidy being paid.

Mr. Service totally differed from the remarks of the hon. member who had just sat down. He considered that as long as this colony required soldiers from the Home Government, and also men-of-war, the expense should be borne by the colony. (Hear.) With respect to the other matter to which reference had been made, he would observe that the military authorities had applied to the Government that they should have the use of the steam sloop Victoria, as a transport. That application was granted at once by the Government (hear), and he believed every hon. member in that House would have done the same. (Hear.) Then again, the soldiers who went to fight for our fellow-colonists might have asked what would be done with their wives whilst they were absent—whether the pay would be allowed to them, or would they be suffered to starve? The Government at once took upon themselves the responsibility of saying that the allowance would be continued until the end of May; and he took credit to the Government for having so acted. It was stated to the Government that all the ordinary expenses would be paid by the Imperial Government, even to the insurance of the Victoria, supposing that the New Zealand Government did not pay them. He was quite sure that the country would be glad to take advantage of the present opportunity to show their sympathy with their fellow-colonists. (Hear.)

Mr. Johnston had no objection to the country's showing its sympathy (hear), but when the hon. member said that we ought to pay the troops of the mother-country, the question arose whether we should subsidize troops to defend all the colonies. ("Oh, oh.") The hon. member had mentioned the women and children which were left behind, but he (Mr. Johnston) presumed that all the soldiers were not married. He thought it should be understood whether this country was to susidize troops to be eligible on all occasions for the neighbouring colonies. ("Oh.")

Mr. J. T. Smith thought that every hon. member would answer "Yes" to that question (hear); and he trusted that it would never go forth to the world that this colony would have the heartlessness not to step in at once to assist the inhabitants of a neighbouring colony; that, he trusted, would always be spirit shown, not only to New Zealand, but to all the colonies, and he was confident it would be shown by them to us. (Hear.)

Mr. Amsinck rose, when

Mr. Brodie asked if there was any question before the committee.

The Chairman put the vote, when,

Mr. Amsinck said, he was about to make a few remarks when he was interrupted by the hon. member Mr. Brodie. The troops and the ships of war, it should be borne in mind, were only lent by one colony to another, and the period for which they were lent was not a long one. He felt quite confident that every man would be glad that the colony had it in her power to spare troops for the assistance of a neighbouring colony.

Mr. Henderson thought there were two very important questions to be raised; firstly, whether we were to pay a heavy subsidy to our soldiers, and that we were forced to do so—as it was not to be supposed that the Imperial Government would send troops here for the same pay given to them at home; secondly, there was no doubt that the colony was called upon to assist the people in New Zealand; but, at the same time, it was a duty owing to the colony by the Government that the additional expense caused should be refunded by the colony to whom the troops were lent.

Mr. Loader thought that it was a case where we were bound to go in and fight first, and settle accounts afterwards. (Hear.) If the amount had been ten times as great he would have voted it immediately. (Hear.)

VICTORIA.

No. 2.

No. 2.

COPY of a DESPATCH from Governor Sir H. BARKLY, K.C.B., to his Grace the DUKE OF NEWCASTLE.

Government Offices, Melbourne,
(No. 8.) July 19, 1860.

(Received September 19, 1860.)

MY LORD DUKE, (Answered No. 79, October 27, 1860, page 288.)

I HAVE the honour to bring under your Grace's notice the accompanying Message, with its enclosures, addressed by me to both Houses of Parliament, announcing the projected departure of the Major General commanding, and the whole of the ordinary garrison of the colony, for service in New Zealand.

In a former Despatch (No. 5,* of 20th April) your Grace was made aware that, on the urgent representations of Governor Gore Browne of the necessity for reinforcements from the Australian colonies before active operations against the insurgent Maories at Taranaki could be attempted, a strong detachment of the 40th regiment was immediately despatched from hence, and Her Majesty's colonial steamer "Victoria" placed at the Major General's disposal, to convey another detachment sent from Tasmania to the above-named spot.

* Page 283.

The unfavourable accounts since received of the progress of the war under Colonel Gold's auspices, added to the renewed appeals of that officer and of the Governor for further succour, rendered it incumbent on Major General Pratt to send down the head quarters of the same regiment under Lieut. Colonel Leslie, whilst the absence of unanimity which seems to prevail between the different branches of the service, no less than the want of confidence among the New Zealand colonists, and the alarming aspect of affairs generally in the Northern Island, left the Major General no alternative but to proceed in person, for a time, at any rate, to the scene of action.

The arrangements thus necessitated have been regarded as so inevitable and proper, that, notwithstanding the disturbed aspect of European affairs at the last accounts, no objection has been raised to them in any quarter. On the other hand, they have led, I am happy to state, to the display of a large amount of loyal enthusiasm on the part of the inhabitants generally, and have served to determine my advisers at length to propose to the Legislature the repeal of that clause in the Volunteer Act which limits the number whose services the Governor may accept to 2,000 men, and to engage them further to put a considerably larger sum for the fortification of Port Phillip upon the estimates of 1861 than is available for the purpose during the present year.

I should nevertheless not discharge my duty to my Sovereign, to the satisfaction of my own conscience, if I failed, at the risk of wearying by repetition, to impress upon your Grace that this important dependency of Her Majesty's crown lies exposed to imminent danger in the event of hostilities, so long as it is divested of all regular military or naval protection, and that under no circumstances can such a state of things as now exists be maintained without the risk of serious consequences.

I have, &c.

His Grace the Duke of Newcastle, (Signed) HENRY BARKLY.
&c. &c. &c.

Encl. in No. 2.

Enclosure in No. 2.

TEMPORARY WITHDRAWAL OF HEAD QUARTER'S STAFF.

Ordered by the Legislative Assembly to be printed, 17th July 1860.

HENRY BARKLY, Governor. Message No. 12.

The Governor thinks it right to communicate to the Legislative Assembly copy of correspondence with the Major-General commanding Her Majesty's in Australasia, respecting the temporary withdrawal of the Head Quarter's Staff, and of the Head Quarters of the 40th regiment for service in New Zealand.

The Governor relies on the loyalty and prudence of the Legislature to make proper provision for guarding against any risk of aggression from without, as well as for the maintenance of tranquillity within, during such absence of the ordinary garrison.

Government Offices, Melbourne,
July 16, 1860.

60 | 240.

Head Quarters,
Melbourne, July 13, 1860.

SIR,

I HAVE the honour to report, for the information of your Excellency and the Government, that, consequent upon the recent intelligence from New Zealand, I have placed the Head Quarters of the 40th Regiment in order of readiness to embark without delay for that dependency.

A depôt will remain, composed of sick weakly men, boys, &c. &c.; but as their strength may not admit of taking other duties than charge of barracks and regimental stores, I would propose for your Excellency's consideration, the necessity of making some arrangements with the volunteers or the police to take all requisite duties during the absence of the Head Quarters.

It is my intention to proceed myself with a portion of my staff to New Zealand, as a temporary measure to make all military arrangements for the general defence of the Island, in communication with the Governor and the local authorities.

I have, &c.
(Signed) T. S. PRATT,
Major-General Commanding.

His Excellency Sir H. Barkly, K.C.B.,
Governor of Victoria,
&c. &c. &c.

Victoria,
LD | No. 44.
Government Offices,
Melbourne, July 16, 1860.

SIR,

I HAVE the honour to acknowledge the receipt of your communication of the 13th instant, informing me of your intention to despatch the Head Quarters of the 40th regiment without delay to New Zealand, and to proceed yourself with a portion of your staff to the scene of war, for the purpose of concerting future movements with the Governor of that colony.

In reply, I have the pleasure to state that the step thus announced meets with the cordial concurrence of this Government, and that H. M. C. steamer "Victoria" has been ordered round from Sydney, for the purpose of being placed at your entire disposal whilst performing this service.

Arrangements have been made to supply the place of the military from the volunteer force, which, with the police, will be quite sufficient for the preservation of internal tranquillity during the absence of the ordinary garrison.

I have only to add that the necessary authority will be issued by the Honourable the Treasurer for the defrayment of the colonial pay and allowances of the detachment of the 40th regiment now about to embark, for a similar period to that for which they were extended in the instance of the detachment formerly sent to New Zealand; and that there is every disposition on the part of my advisers and of the Legislature, to act with the utmost liberality on this occasion, and to manifest their sympathy with those who are called on to sustain the honour of the British name in the sister colony.

I have, &c.
(Signed) HENRY BARKLY.

The Honourable Major General Pratt, C.B.,
&c., &c. &c.
Commanding H.M. Forces in Australia.

VICTORIA.

Despatches from the Secretary of State.

No. 1.

No. 1.

COPY of a DESPATCH from his Grace the DUKE OF NEWCASTLE to Governor Sir H. BARKLY, K.C.B.

(No. 42.)

SIR, Downing Street, June 27, 1860.

* Page 283. I HAVE received your Despatch, No. 5,* of the 20th of April last, in which you report the measures adopted by your Government on receiving the application of the New Zealand Government for assistance in meeting the difficulties in which that colony had been involved in consequence of the outbreak on the part of the natives at Taranaki.

Her Majesty's Government have seen with great satisfaction the cordial co-operation afforded by the Government of Victoria on this occasion, not only by their acquiescence in the reduction of the garrison, but by the liberal manner in which they placed the colonial war steamer "Victoria" at the disposal of the Imperial Government.

You will express to your Government how fully Her Majesty's Government appreciate the sympathy and generosity which has marked their conduct on this occasion.

I have, &c.

Governor Sir H. Barkly, K.C.B., &c. &c. &c. (Signed) NEWCASTLE.

No. 2.

No. 2.

COPY of a DESPATCH from the SECRETARY OF STATE to Governor Sir H. BARKLY, K.C.B.

(No. 79.)

SIR, Downing Street, October 27, 1860.

† Page 286 I HAVE to acknowledge the receipt of your Despatch, No. 8,† of the 19th July, calling my attention to the possible danger to which the colony of Victoria is exposed, in consequence of the departure for service in New Zealand of the chief part of the military force assigned for its protection.

2. I referred this Despatch to the Secretary of State for War, and in reply Mr. Secretary Herbert stated that he was sensible that, unless it should appear from the next or succeeding advices received from New Zealand that there was a probability of the early return to Australia of the troops withdrawn, it would be proper to make such arrangements as may be practicable for supplying the places of those forces.

I have, &c.

Governor Sir H. Barkly, K.C.B., &c. &c. &c (Signed) J. RUSSELL.

APPENDIX.

Appendix No. 1.

Papers on the Subject of the Taranaki Land Question, from 1839 to 1859.

No. 1.—Extracts from First Despatches of Colonel Wakefield to the New Zealand Company, after his Arrival in New Zealand.

Port Nicholson, Tuesday, October 1, 1839.—Warepori's sudden regard for me has also opened the way to acquiring a large district of fine flat land at Taranaki and Moturoa on the Western Coast, in the neighbourhood of Mount Egmont. Should I be able to obtain possession of this tract, which is extensive and perfectly level, through the means I have obtained here, I shall be less anxious about purchases in the North. The district in question is between Kawhia and Mount Egmont, abreast of the Sugar Loaf Islands, and runs for 30 miles inland. The Chiefs here, who were all born on these plains, look back with great regret to the time when they were obliged to abandon them, and are very desirous that they should be again opened to them by means of European settlers. They have selected E Whare, the son of T. Puni, and Tuarau, the grandson of the principal chief of the whole Ngatiawa tribes, to accompany me to Taranaki, where it is hoped they will be able to open a negotiation with the present possessors of the land, to whom they are both related. * *

Cloudy Bay, October 4.—All my arrangements being completed on shore, we weighed anchor this morning; and taking with me E Whare and Tuarau, we sailed for Cloudy Bay, in the mouth of which harbour we anchored this evening. * *

Sunday, 27th October, 1839, Kapiti.—The weather, for the first time during ten days, allowed a boat to cross over to the main. I went to Waikanae, taking with me E Patu, the son of Toroa, the two principal chiefs of that place and of Queen Charlotte's Sound. On landing, we were greeted by the acclamations of the numbers assembled at the place in expectation of a second attack from the Ngatiraukawas. As soon as it was known that I had come to talk about the land, a rush was made for the usual place of meeting on public occasions; and in a few minutes a large arena was entirely covered with people, seated in their peculiar posture in perfect silence, anxious to hear the speeches of the elders. A place was made for me on the side of a canoe; and during the discussion all eyes were fixed on me, as if to read in my countenance the effect of the eloquence of the orators. E Patu introduced me as a good man, who liked the natives, and who would bring a great many white people to live amongst his tribe, and an English missionary to teach them. A low murmur of approbation ran through the assembly at the conclusion of his speech. Some of the elder chiefs then addressed us, and coincided in granting me all their lands, upon condition of receiving arms and ammunition to enable them to defend themselves and people from their enemies. They declined blankets, clothing, and tobacco; nothing was wanted but implements of war. * *

After visiting their village, which is the largest we have seen, and tolerably fortified, and seen their wounded, I persuaded three of the chiefs to accompany me on board to see Rauparaha, with a view of putting an end to their quarrel with the Ngatiraukawas. On approaching the ship they evinced the greatest fear, declaring that Rauparaha would take their heads. Soon after being on board I sent for Rauparaha and his fighting general Rangiaiata, who had arrived from Mana. When these came on deck, and saw the three Ngatiawa chiefs sitting down with their faces half hidden in their mats, they betrayed great surprise, and made their customary warlike grimaces. Then, from, I conclude, remembering that the ship was no place to show any hostile demonstration, they advanced to them, and rubbed noses with them in succession. * * * *

Monday, 28th October.—The three chiefs of the Ngatiawas, whom I had brought from Waikanai, declined proceeding with me to Queen Charlotte's Sound, where I wished them to combine with the heads of the tribe resident there in conveying their rights to me. They pleaded, with justice, the danger to their families, during their absence, from their neighbouring enemies, but deputed one of their sons to accompany me, who is empowered to act for them. In the meantime, they have promised me that they will part with no land until my return. If time had permitted, I could have concluded the bargain for their lands, although I should have had some difficulty in satisfying them in respect to arms, with which I am ill provided. * * * *

Thursday, 31st October, East Bay, Queen Charlotte's Sound.—The weather having changed, and our repairs effected, we crossed the Strait this morning, and anchored in this bay, instead of Ship Cove, for the convenience of being nearer to the grove at the head of the Sound, whither it was necessary to send to procure a spar for a fore-yard. I was also desirous to be near the principal settlement in the Sound, in order to conclude my treaty with the Ngatiawas, for the sale of their rights in the neighbourhood of the Strait. As soon as we entered the bay, many natives came off who had heard of the object of our visit. I landed in Grass Cove, where Captain Furneaux's boat's crew was murdered, and walked over the island of Arapaoa to Okakuri, from whence I got a canoe to Teawaiti. On coming in sight of Okakuri, the chief who accompanied us requested us to fire off our guns, the report from which brought in answer a continued discharge of muskets, until we reached the village. Here we found assembled about 200 men in a state of great excitement, and preparing to start in their canoes for Waikanae, to carry on the war against the Ngatiraukawas; my companion and myself, with the Waikanae chief, had to go through the ceremony of shaking hands with every

one in the settlement, ranged round the place of public meeting. After this operation, a tangi commenced in honour of the chief's arrival, and to the memory of their friends who fell in the late fight. So soon as we could escape we left the village, where E Whiti remained to talk about the land; at Teawaiti we found the same warlike preparations, and heard of a general muster of the tribes, desirous to attack their enemies, and of the determination of one of the chiefs to land with 60 picked men on Rauparaha's island, for the purpose of carrying off that old chief, who had killed his father some years ago.

Friday, 1st November.—I visited Okakuri again this morning, in company with Mr. Barret, and prevailed on the chiefs to postpone their hostile voyage until the negotiations for the sale of their land should be completed; they promised to meet me in East Bay, and to bring with them all the principal owners of the Ngatiawas; after which I returned to the ship in a whaleboat, pulled by a native crew. * * * *

Saturday, 2nd November.—The natives here, some of the ancient possessors of Taranaki, are very desirous that I should become the purchaser of that district, in order that they may return to their native place without fear of the Waikato tribes. They will yield all their claims on the district to the Company, but stipulate for the same reservation of land for Mr. Barret and the children of the late Mr. Love as for the native chiefs; these two Englishmen having lived for so many years amongst the Taranaki people during the wars, and having had children born of native wives on the spot, have been long considered as belonging to the tribe. * * * *

Friday, 8th November.—Soon after daylight the natives began to come on board, and by twelve o'clock more than 200 had assembled on the deck, including the chiefs in the Sound. A good deal of speaking took place; and the principal man, E Hawe, enumerated the places which the residents here possess or claim. With so many to satisfy, I found myself called upon to give them a second tierce of tobacco, which produced a sensation of satisfaction; after which the chiefs and elders sent some of the crowd on shore, and the business of allotment and distribution began. * * When the allotments to the different tribes had proceeded some time a violent dispute arose among one tribe, the Puketapu, which threatened to put an end to the purchase; and it was not till I had persuaded the Chief of it to send away some of his people, under a threat of putting all the things below and going to sea, that anything like peace was restored. More than 100 men still remained on deck; and as the goods might now be considered delivered to them, although I allowed the distribution of them to be made on board, I took advantage of the momentary calm to secure the signatures of the Chiefs, to the number of 30. * * *

Kapiti, 11th November.—Being under a promise to take back the chief E Whiti, and the missionary who had been a witness to the late sale, to Waikanae, we sailed for this place yesterday; but, owing to a strong north-west wind, only reached it to-day. We found all the natives in great commotion on account of the preparations making for war on the main. The Ngatiawas muster 800 fighting men, and can be reinforced to the number of 600 more if occasion requires. * * *

No. 2.—EXTRACTS from DEED of SALE by NGATIAWA CHIEFS to Colonel WAKEFIELD for the NEW ZEALAND COMPANY, 8th November, 1839.

Know all men by these presents that we, the undersigned chiefs of the Ngatiawa tribes, residing in Queen Charlotte's Sound, and other places on both sides of Cook's Straits, in New Zealand, have this day sold and parted with all our rights, claims, titles, and interests in all the lands, islands, tenements, woods, bays, harbours, rivers, streams, and creeks, within certain boundaries, as shall be truly described in this deed or instrument, unto William Wakefield, Esquire, in trust for the governors, directors and shareholders of the New Zealand Land Company of London, their heirs, administrators and assigns, for ever; * * * And in order to prevent any dispute or misunderstanding, and to guarantee more strongly unto the said William Wakefield, his executors and administrators, in trust for the said governors, directors and shareholders of the New Zealand Land Company of London, their heirs, administrators, and assigns for ever, true and undisputed possession of the aforesaid lands, tenements, islands, &c., we, the undersigned chiefs, for ourselves, our families, tribes, and successors for ever, do hereby agree and bind ourselves, individually and collectively, to the description following, which constitutes the boundaries of the said lands, islands, tenements, &c., now sold by us, the undersigned chiefs, to the said William Wakefield, in trust for the said governors, directors, and shareholders of the New Zealand Land Company of London, this 8th day of November, in the year of our Lord 1839; that is to say, the whole of the lands, islands, tenements, &c., which are now in our possession, or to which we now lay any claim, or in which we now have any rights or interests, on the southern as well as on the northern shore of Cook's Straits, in New Zealand; comprising all those lands, islands, tenements, &c., situate on the southern shore of Cook's Straits, * * * and also comprising all those lands, islands, and tenements, &c., situate on the northern shore of the said Cook's Straits, which are bounded on the north-east by a direct line drawn from the southern head of the river or harbour of Mokau, situate on the west coast, in latitude of about 38 degrees south, to Cape Tikukakore, situate on the east coast, in the latitude of about 41 degrees south, and on the east, south, and west by the sea, excepting always the Island of Kapiti or Entry Island, and the small islands adjacent thereto, and the island of Mana or Table Island, all situate on the said northern shore of Cook's Straits; but including Tehukakore, Warehama, Rangiwaiama, Wainarap, Turakirai, Wanga Nui Atera, or Port Nicholson, Rimarap, Oterangao, Omeri, Tuamero, Oariu, Titahi, Porirua, Ohoeka, Te Rewa Rewa, Waikanai, Waimea, Otaki, Owaha, Manawatu, Rangitiki, Wangaehu, Turakina, Wanganui, Waitotara, Whenuakura, Patea, Tangahohi, Ngatiruanui, Pahakahatiro, Taranaki, Moturoa, and the several other Sugar Loaf Islands, and the river or harbour of Mokau.

And we, the undersigned chiefs, do hereby acknowledge, for ourselves, our families, tribes and successors for ever, to have this day received full and just payment for the lands, islands, tenements, &c., within the aforesaid boundaries.

In witness whereof, the said chiefs of the first part, and the said William Wakefield of the second part, have hereunto put their hands and seals, this 8th day of November, in the year of our Lord 1839.

Ngatiawas:

E White, for himself and E Redi. his × mark.
E Hawe. his × mark.

Puketapu:

Nga Pakawa his × mark.
Patukekeno for himself and Toeroa. his × mark.
E Witikau. his × mark.
Kaupene. his × mark.
Raupunca. his × mark.
E Moko. his × mark.
E One. his × mark.
Wairunu. his × mark.
E Mutu. his × mark.
Korori. his × mark.

Nga Motu:

Waitara. his × mark.
E Piro. his × mark.
Manurau. his × mark.
E Mare. his × mark.
E Rafe. his × mark.
Te Rangi Auredi. his × mark.
Poaringa. his × mark.
Aneta. his × mark.
E Tiro. his × mark.
Poata. his × mark.
Watino. his × mark.
E Huie. his × mark.
Karakea. his × mark.
Tutara. his × mark.
Takanga. his × mark.
Pahoki. his × mark.

Taniwa:

E Peke. his × mark.

Ngati Matui:

Nga Rewa. his × mark.

W. Wakefield.

Witnesses: R. Barret.
Richard Lowry.
George Doddrey.
Himiona.

No. 3.—Extract from Deed of Sale by Natives resident at Taranaki to the New Zealand Company, dated 15th February, 1840.

Know all men by these presents, that we, the undersigned chiefs of the district of Nga Motu, near Mount Egmont, in New Zealand, have this day sold and parted with all our rights, titles, claims and interests in all the lands, islands, tenements, woods, bays, harbours, rivers, streams and creeks within certain boundaries, as shall be truly described in this deed or instrument, unto John Dorset, Esquire, his executors and administrators, in trust for the governors, directors, and shareholders of the New Zealand Land Company, of London, their heirs, administrators, and assigns for ever; * * * * And in order to prevent any dispute or misunderstanding, and to guarantee more fully unto the said governors, directors and shareholders of the New Zealand Land Company, of London, their heirs, administrators, and assigns for ever, true undisputed possession of the said lands, islands, tenements, woods, bays, harbours, rivers, streams and creeks, we, the said chiefs, for ourselves, families, tribes, and successors for ever, do hereby agree and bind ourselves to the description following, which constitutes the boundaries of the aforesaid lands, islands, tenements, woods, bays, harbours, rivers, streams, and creeks now sold by us, the undersigned chiefs to the said John Dorset, this 15th day of February, in the year of our Lord 1840, that is to say, from the mouth of the Wakatino river along the sea-shore by Te Kauwao, Omau, Tongapourutu, Te Oro, Parinui, Puka, Arawa, Parairoa, Otumatua, Wakariwa, Orapopa, the Mimi river, Arapawa, the Urenui river, Te Pianga, Onaiu, Wauau Te Tanawa, Turangi, the Waitera river, Waiorua, Waiongana, Te Rewatapu, Te Puketapu, the Pohui river, Waita, Mangate, Mataketake, the Puka Lagoon, the Waiwakaio, river Pukaweka, the Enui river, the Uatoki river, Rawaroa, Te Arawata, Pukatuti, Waitapu, Otaki, Mataipu, Arakari, the Ongi-Ongi Lagoon, Te Tetu, the islands of Kimi Kotahi Moturoa and Motumahanga, commonly called the Sugar Loaf Islands, Te Kutu Paparoa Paritutu, commonly called Sugar Loaf Point, Wahine, Taranaki, Mataora, Motuotu matea Arakawi, Ahanui, Porapora, Waioratoki, Waireku, Omata, Te Wairedi, Opo, Otete, Tapuwairuru, Kakiorangi, Omuna, Uakura, Wakau, Wairau, Waimoku, Otupota te Wairedi, Oau, Oraukiwa to Aurongo: the said sea-shore at low-water mark forms the north-western boundary of the said lands, islands, tenements, woods, bays, harbours, rivers, streams, and creeks. From the said Auronga on the sea-shore a line striking inland by Patua, Heringa, Pawaka Te kiri Powakai, and from the said Powakai to the summit of Taranaki, commonly called Mount Egmont, forms the southern boundary of the said lands, islands, tenements, woods, bays, harbours, rivers, streams, and creeks. From the said summit of Taranaki, a line striking by Taunatutawa, Purakahua, Wakahinangi, Ratapiho, Pukarimu, Mangotuku, Wakaikatoa, Makahu, Wanguihu, Moangiha, Te Kopua, Te Waitetanga, Wangamomona, Makuri, Te Po, to the river Wanganui, and from the said river by Tettangi-tangi, Mangohewa, Paringa, Pukekura, across the Onairo river, by Te Tuahu, Raipikari, Wakamahuki, Tupari, Pukewakamaru, across the Udenui river, by Puketarata, across the Mimi river, by Rangiurapaki, Waitaoura, Te Pokuru, across the Papatiki, by Tarangarua, Romanu, Pukakao, Te Awera, across the

NEW ZEALAND. Appendix.

Wakaramu and Wai Pikao rivers, by Paraninui, Timinuka and Wanga to Rowai, on the said Wakatino river, and down the said river and its mouth forms the eastern and northern boundary of the said lands, islands, tenements, woods, bays, harbours, rivers, streams, and creeks. And we, the aforesaid chiefs, do hereby acknowledge for ourselves, our families, tribes, and successors, for ever, to have this day received a full and sufficient payment for the aforesaid lands, islands, tenements, woods, bays, harbours, rivers, streams, and creeks. * *

In witness whereof, the said chiefs, of the first part, and the said John Dorset, of the second part, have hereunto put their hands and seals, this 15th day of February, in the year of our Lord 1840.

Awatea.	his × mark.	Te Eru.	his × mark.
Aurua.	his × mark.	Ranguira.	his × mark.
Edward or Puki ki maori.	his × mark.	Torenui.	his × mark.
E Haki.	his × mark.	Ewaho.	his × mark.
E Ku.	his × mark.	Te Unoko.	his × mark.
Kororo.	his × mark.	Kaupono.	his × mark.
E Muri.	his × mark.	Te Eria.	his × mark.
E Po.	his × mark.	Hearoa.	his × mark.
E Po Pukatapu.	his × mark.	U te tua.	
Tangutu.	his × mark.	Te waiko.	his × mark.
Wakairi	his × mark.	Mary Iride.	her × mark.
E Pahi.	his × mark.	Miriama Raucanway.	her × mark.
Te Ngini.	his × mark.	Parekauri.	her × mark.
Roroatua.	his × mark.	Warara.	her × mark.
Te Uia.	his × mark.	Waiape.	her × mark.
Korongo.	his × mark.	Rokia.	her × mark.
Te Remu.	his × mark.	Te Rangi Wakawanui.	her × mark.
Rangituki.	his × mark.	Caroline Puki ki maori.	her × mark.
Rangikowiwi or Taitua.	his × mark.	Catherine Ngatakorua.	her × mark.
Tukoreu or Rahaharu.	his × mark.	Mary Iringu.	her × mark.
Te Pukao.	his × mark.	Ehura.	her × mark.
Te Mauta or Bartholomew.	his × mark.	Eraue.	her × mark.
Pairua.	his × mark.	Charlotte Pikia.	her × mark.
Ongairi.	his × mark.	Ekao.	her × mark.
Ngaurueru.	his × mark.	Komaru.	her × mark.
Na te ma ne Wakapu.	his × mark.	Ngawai.	her × mark.
Rangipuahehe.	his × mark.	Paiti.	her × mark.
E Tuti.	his × mark.	Parekuwao.	her × mark.
Patupai.	her × mark.	Atarawao or Ekora.	her × mark.
Etari.	her × mark.	Ekora.	her × mark.
Ewane.	her × mark.		
Epua.	her × mark.		
Epare.	her × mark.		
Teruiti Poharama.		his × mark.	
Rowera.		his × mark.	
Matthew.		his × mark.	
Opa.		his × mark.	
Ihaia.		his × mark.	
Pohonao.	her × mark.	Eri.	her × mark.
E Wangamata.	her × mark.	Taowaki.	her × mark.
E Ngongo.	her × mark.	E Ao.	her × mark.
Kohake.	her × mark.	Poewa.	her × mark.

JOHN DORSET,
Acting Agent, New Zealand Land Company.

Witnesses: Richard Barrett.
George Dodeny.
Ernst Dieffenbach, M.D.

Examined with the original, this 4th day of June, 1845, and is a true copy thereof, by us.

WILLIAM SPAIN, Commissioner of Land Claims.
ROBERT THOS. C. YATES, Commissioner's Secretary.

No. 3.—EXTRACT from DESPATCH from Governor HOBSON to the SECRETARY OF STATE, November 13th, 1841.

AT Taranaki the powerful tribe of the Waikatos threatens to dislodge the settlers, as they did not buy the land from them, who claim it in right of conquest. * * * *

The natives of Wanganui have followed a similar course with those of Porirua. I have reason, however, to hope that a payment of money will induce these people to forego any further opposition; and the principal chief of the Waikato tribe, Te Wherowhero, has already consented to accept compensation to the value of 250*l.* for the claims of his tribe on the lands of Taranaki.

No. 5.—EXTRACT from DESPATCH from Governor HOBSON to the SECRETARY OF STATE, December 15th, 1841.

I CERTAINLY admit that a people, who are in the highest degree jealous of their territorial rights, and amongst whom those rights are very imperfectly defined, are not unlikely to resort to force sooner or later, rather than suffer the occupation of lands, which may have been fairly bought from one tribe, but are claimed with great apparent justice by another.

I take, for instance, the Waikato tribe, under the chief Te Wherowhero, who are extremely powerful. They conquered and drove away the Ngatiawas from Taranaki in 1834, leaving only a small remnant, who found refuge in the mountains of Cape Egmont; and having pretty well laid waste the country, and carried off a large number of slaves, they retired to their own district on the banks of the river Waikato.

It appears that in 1839 Colonel Wakefield visited the country and bought a considerable portion of it from the few Ngatiawas who had resumed their habitations on the retreat of Te Wherowhero.

Now Te Wherowhero claims the country as his by right of conquest, and insists on it that the remnant of the Ngatiawas are slaves; that they only live at Taranaki by sufferance, and that they had no right whatsoever to sell the land without his consent. In illustration of his argument, he placed a heavy ruler on some light papers, saying, "Now, so long as I choose to keep this weight here, the papers remain quiet, but if I remove it, the wind immediately blows them away; so it is with the people of Taranaki;" alluding to his power to drive them off.

Te Wherowhero certainly has a claim to the land, but not a primary one, as the received rule is, that those who occupy the land must first be satisfied. But he is the most powerful chief in New Zealand, and I fear will not be governed by abstract rights, but will rather take the law into his own hands.

No. 6.—DEED of SALE from TE WHEROWHERO to HER MAJESTY, dated January 31st, 1842.

KNOW all men by this book: We, Chiefs of Waikato, do let go and sell these lands of ours to George Clarke, the Protector of Natives for H.M. Victoria, Queen of England, her heirs and successors, whether male or female, the land and all things that are on or under this land, we sell to George Clarke, the Protector of Natives, for an estate for the Queen, her heirs and successors, whether male or female, for ever.

The beginning of the northern boundary is at Tongapourutu, the western boundary is along the sea shore between Tongapourutu and Waitotara, and on the south beginning from Waitotara and going inland to Piraunui.

We receive these payments on behalf of the tribes of Waikato, for their interest in the said land, 150*l.* money, two horses, two saddles, and two bridles, 100 red blankets.

Witness our names and signs, written in Auckland, on this 31st day of January, in the year of our Lord 1842.

TE KATI.
TE WHEROWHERO.

Witnesses,
J. Coates,
George Clarke, Sub-Protector.
True translation, Thomas S. Forsaith.

No. 7.—COPY of a DESPATCH from Commissioner SPAIN to Governor FITZROY, dated June 12th, 1844.

SIR, New Plymouth, June 12th, 1844.

I AVAIL myself of the opportunity afforded by the Auckland overland mail, which leaves this place on Saturday next, of informing your Excellency of the result of my proceedings in investigating the New Zealand Company's claim to land in this district, and I have the honour to enclose a copy of the minutes of my court, which will put you in possession of my decision, which is to recommend a Crown grant to the Company of a block of (60,000) sixty thousand acres of land, commencing on the north side of the Sugar Loaf Islands, and extending to a place called Taniwa, including native reserves, and with certain exceptions, which you will find particularly explained in my judgment. This will include all the land that the said Company have already sold, or offered for sale, in this district.

I shall prepare my official report when I have finished my inquiries into all the company's claims, which will, I think, be the most convenient course, as affording your Excellency the opportunity of having the whole subject of their purchases before you at the same time; but well knowing your great anxiety to have these all-important land questions brought to a speedy settlement, I lose not a moment in putting you in possession of the fact, that this case has been completed, so as to enable me to make my final report upon it.

Great misapprehension has existed as to the purchase of this place, as it was generally believed to be the Taranaki district, which was formerly occupied by branches of the Ngatiawa tribe, who, being driven away by the Waikatos, about nine or ten years ago, went to reside at Waikanae, Port Nicholson, and other places to the south, where the majority of them have remained ever since But it now turns out that the Taranaki district commences on the south side of the Sugar Loaves, and extends towards Waimate, where the great majority of those natives formerly resided, and were called the Taranaki tribes, and that it is outside the block of land which I have awarded to the company.

The agents of the Company claimed a very large tract of land in this district, under three purchase deeds, the first from the Ngatiawa, in Queen Charlotte's Sound; the second, from the resident natives of this place, Ngamotu; and the third, from the Taranaki tribe.

Colonel Wakefield offered no Maori evidence in support of the Taranaki deed, but informed me that it was not the intention of the Company to claim any block of land under it. This narrowed my inquiry to the block of (60,000) sixty thousand acres, under the deed, from the resident natives of this place, also branches of the Ngatiawa tribe.

I have, in my first report to the late acting Governor (which I had the honour to lay before your Excellency on your arrival in this Colony), most particularly referred to the way in which these alleged purchases of the Company, which I had investigated, had been conducted; namely, by getting the signatures of some leading chiefs, and inserting in the deeds boundaries comprising millions of acres, upon the surface of which thousands of natives were living, without having consulted those resident natives who were the actual cultivators of the soil.

I then stated that although a tribe might have marched through a country, conquering all the natives occupying the ground over which they passed, yet if they failed to retain the lands so conquered in their possession, and allowed the former owners still to occupy it, or to return immediately afterwards, and cultivate it without interruption for a period of years, in that case the consent of the conquerors to a sale to the Europeans, without that of such resident natives, could not be admitted by me as a valid purchase. And I know of no rule laid down as binding upon or generally adopted by the nations of Europe, in colonizing a new country, peopled by aboriginal inhabitants, which would justify the taking of land from the actual occupiers and cultivators of the soil, without their consent. On the contrary, I had the honour to quote in my last despatch the very opposite doctrine, as laid down by De Vattel.

I had also occasion to express in my report a very strong opinion that these purchases had been conducted with great carelessness, and that the consent of a certain number only of natives had been obtained; that the great object of the parties seemed to be to insert in their deeds the names of places, so as to comprise degrees of latitude and longitude, instead of ascertaining who were the resident natives upon this immense territory, and endeavouring to obtain their consent to its sale; and I also remarked upon the imperfect way in which the transactions had been explained to the natives.

This purchase is, I am happy to say, free from these objections. Colonel Wakefield had previously effected a partial purchase of Port Nicholson, and had got another deed executed by the Ngatiawa, resident in Queen Charlotte's Sound, purporting to convey this district.

Puni, one of the principal chiefs of Port Nicholson, who joined in and has ever since admitted the sale of that place to Colonel Wakefield, and who had formerly resided at this place, recommended Colonel Wakefield to purchase it. Here, then, it appears that the Port Nicholson natives who had formerly resided here, and the Ngatiawa, in Queen Charlotte's Sound, had ample notice to the intended purchase.

Subsequently, Richard Barrett, who had been many years in New Zealand, having a native wife and family, speaking their language, and understanding their customs, was landed here, and remained on shore, living with the resident natives for a period of between two and three months, negotiating for the purchase, and explaining to them the boundaries of the land he was desirous of acquiring for Colonel Wakefield; and the bargain was not concluded until the natives had seen the goods offered in payment brought by the "Guide" brig. They then consented to accept the payment, had the trade landed, and 40 men, besides women and children (including, I believe, the greater part of the residents), signed the deed and took away the goods.

During Barrett's residence here, before he effected his object, there was ample time for any of the Ngatiawa of Port Nicholson and the other places to have opposed the sale; but none appeared to dispute the right of the resident natives.

About 10 years ago, a battle was fought between the Waikato and the Ngatiawa residing in this district, at a place called Pukerangiora, when the former completely conquered the latter, taking a great many prisoners with them to Waikato, whom they made slaves.

The majority of those that escaped, fearing a further attack from the Waikato, migrated to Waikanae, Port Nicholson, and other places to the south, took possession and cultivated the land there, and in the case of Port Nicholson, I have already admitted their title, by reason of their occupation of the soil for a period of nine or 10 years, as against Rauparaha and others, who pretended to claim that district by right of conquest.

The natives of whom Barrett made the purchase in question, appear to have been permitted by the Waikato to occupy this district between the Sugar Loaves and Taniwa without interruption, from the time of the taking of Pukerangiora, until the purchase; but they appear to have lived opposite the Sugar Loaves for the purpose of being ready to escape in the case of a further attack; and it seems to me that fear of the Waikato, coupled with a desire to have Europeans to reside amongst them to protect them from their enemies, was one of the principal causes that induced them to consent to the sale of the district.

It appears to me that the Ngatiawa, who left this district after the fight, sought for and obtained another location, where they lived and cultivated the soil, and from fear of their enemies did not return, cannot now show any equitable claim to the land they thus abandoned; and having admitted their title at Port Nicholson, by reason of their occupation and cultivation of the land there, from the time of their arrival there from this place up to the time of my decision, I could not, with the slightest regard for consistency in my awards, for one moment entertain any claim of theirs to this district. Had they returned before the sale, and with the consent of their countrymen again cultivated the soil, I should have held that they were necessary parties to the sale.

It appears, however, that some of this tribe, after the arrival of the Europeans, and the formation of the settlement, and when they thought themselves in consequence safe from their enemies, did return here and commenced cultivating land within the limits of the block previously alienated to the New Zealand Company. But I cannot, for the reasons before stated, admit their title; and if I did, I should be also obliged to admit that of all the others who might at any time think proper to return and claim payment.

From my first arrival at Wellington, the chiefs Moturoa, Wairarapa, and others, who disputed the sale of that place to the Company, constantly told me that they should remain there until they got payment, and then come here and claim payment also for this place.

I invariably discouraged them from taking a step which appeared to me so unfair and unjust, and I was much pleased to find that not one of them appeared here to assert any claim, although they had full notice of the intention of my visit to this place, and some of their people and Wairarapa's son travelled with me the whole journey.

If, however, the claims of those who had returned since the purchase had been once admitted, no doubt all the others would immediately have claimed payment, and my inquiry would have been almost interminable.

I have not seen any block of land claimed by the Company which can be spared from the aborigines with so little interference with or injury to their interests as the one in question.

By the enclosed return from the resident agent of the New Zealand Company, your Excellency will observe that the natives have only 120 acres in cultivation (and many of these commenced upon long after the sale) in the whole block of 60,000; yet I have, in order to avoid, as far as possible, the cause of any misunderstanding between the two races, carefully reserved all these cultivations, their pahs and burial grounds, in addition to the 6,000 acres, to which they are entitled as native reserves; so that ample provision has been made for them in the reservation of land, more than sufficient for their wants.

The original block claimed by the Company was two miles more in length and two more in breadth, than the one shown in the accompanying plan, which I have obtained for your Excellency for reference, as occasion may require, and was thus reduced after my arrival here, leaving another immense block of the very best and most available land immediately adjoining that of the Company for the natives.

I have had two plans of the block made, and signed by myself, Mr. Clarke, and Colonel Wakefield, taking one to attach to my report, and leaving the other with the resident agent, so as to avoid the possibility of misunderstanding about boundaries hereafter. This map will show you where the native reserves in the suburban sections have been chosen, but none have been made for them in the rural sections (although 159 out of 500 sections have been already selected by the Company's purchasers), owing to the absence of any authorized agent to select for the natives. As this might very probably inflict an injustice upon the natives in depriving them of their one choice in ten, I have written to the resident agent upon the subject, of which letter I enclose a copy.

I should recommend the trustees of native reserves to appoint an agent here to make these selections as soon as possible, as it must tend to convince the natives that their condition is really improved by the sale.

Your Excellency will see by the minutes of my proceedings that, after Colonel Wakefield had closed his case, I gave Mr. Clarke every opportunity of bringing forward whatever evidence he thought necessary on the part of the natives, and adjourned the Court to the day he mentioned, to give him time to be prepared. He, however, called only one witness, who, having at first prevaricated, at length admitted that he had been taken prisoner by the Waikato, and was only released from slavery in consequence of the introduction of Christianity amongst that tribe, which taught them to abandon the practice, and that he had returned to this place since the sale to Barret.

Mr. Clarke then declined calling any more witnesses, and I adjourned my Court until Saturday, to give me time to consider the evidence, and determine upon my award.

I had no claim brought forward on the part of the Waikato; but this may be accounted for by the contents of a letter from the late Governor, Captain Hobson, to Captain King, the original of which is in my possession, and an extract from which I now enclose; nor was there any evidence offered to show that that tribe had ever cultivated any land within the Company's block.

Previous to entering upon the case, and several times after its commencement, I inquired of Mr. Clarke whether he considered it would be expedient to offer any further payment to the claimants; but he informed me that this could not be done with safety, and that he had not the slightest chance of getting the natives to accept a compensation; that if they received any further payment, the Waikato would immediately come down upon them and take it away; which would in all probability lead to a fight between them. I also heard from several sources, that the Waikato, looking on these natives as slaves, were continually threatening to come here and take them back into a state of slavery.

If it had appeared expedient, I might, as a matter of policy only, but certainly not according to the evidence as a matter of right, have recommended that some payment should have been made to the natives, as an act of grace on the part of the Company, calculated to assist in procuring a good understanding between the two races; but under the circumstances, and with consequences pointed out to me as almost certain to follow, I felt it would have been unwise and justly censurable to have pursued such a course. If the offer of any money had been made, even by way of gratuity, I am satisfied that with the evident spirit manifested by all the aborigines I had seen since my arrival, it would have been refused, and construed into an admission that they had not sold any part of the land, besides making them still more determined to withhold the land from the Europeans.

If, on the contrary, it had been accepted by those present, we should have had immediately hundreds of other claimants from among the members of the same tribes, whom I have before described as now residing at Port Nicholson, Waikanae, and the other places, together with the strong probability of an attack from the Waikato.

Under these circumstances, it appeared to me to be a case where my duty pointed out the necessity of deciding whether there had been a purchase or not; and as I found considerable anxiety manifested alike by the European and Maori population to learn the result of my investigation, and feeling that any further delay would not only prove injurious to both races, but was calculated to keep alive and prolong feelings of animosity between them, I delivered my judgment in the presence of a considerable number of natives as well as Europeans, but wherein I have most carefully explained, that the same is subject to confirmation by your Excellency, and cannot be carried into effect without your approval.

I was the more anxious to do this, from a feeling that the decision being against the Maories, it was much better that at the time it was first made known to them, some officer of the Government should be on the spot to explain fully to both races, the reservations of the pahs, cultivations, and burying-grounds, as well as one-tenth of the block, for the benefit of the aborigines; and it also afforded me the opportunity of offering a few words of wholesome advice, to both Europeans and natives.

It further occurred to me, that it would be more expedient that any disappointment experienced by the natives at the first decision against them should be visited upon me as the officer appointed for this special duty, rather than expose your Excellency to the chance of sharing it; which would in all probability have been the case had my decision been first made known to them, after it had been submitted to your Excellency for approval.

It is remarkable that out of the millions of acres claimed by the New Zealand Company, this is the first case where I have been able to award even so small a block as (60,000) sixty thousand acres; and even here something else remains to be done to perfect the transaction. It appears that, pending the negotiation, the natives pressed Barrett for some double-barrelled guns, but finding that there were none on board the vessel, they at length accepted the payment offered, without them, and signed the deed; Barrett, however, still promised them at some future period he would procure them a case of double-barrelled guns.

Now, for the reasons before alleged, if I had given them (25) twenty-five guns (the number contained in a case), it would have exposed them to the risk of the Waikato coming down and taking them away, and probably using them against their lives; while, if I had given them the value in money, the same difficulty and confusion would have arisen in the distribution of so small a sum, besides opening a door, as I have before explained, to claimants beyond number.

Under these circumstances, I called upon the principal agent of the Company to place at my disposal such a sum of money as I might value the guns at, to be disposed of as your Excellency may decide for the benefit of the natives; with which request he immediately complied, as will appear by his letter, a copy of which is herewith enclosed.

The natives of this place are scattered over a large tract of country, whence great difficulty arises in cases of sickness amongst them in administering medical relief. Again, medical men complain that in many instances the medicines they prescribe have not the usual fair chance of success, for want of the patients being kept properly warm and sheltered from the weather when under their influence.

I have the honour to recommend that the (200*l.*) two hundred pounds (the sum at which I have valued the guns) should be laid out in building a Maori hospital upon the native town reserves (half an acre); and I have reason to believe that sum would be sufficient to build a male and female ward, a receiving-room with a bath, and a kitchen, which might also be used as the residence of the Maori nurse appointed to take care of the hospital.

This would afford the opportunity to the white population who are disposed to assist the natives in times of sickness, to direct their charitable efforts to a concentrated point where an arranged plan would be more likely to be generally useful than single acts of assistance rendered in individual cases. It would also be much more convenient to the medical men, and enable them to devote more time to these patients; and, lastly, it would in my opinion effect a great moral improvement in the condition of the natives, by teaching them some of our civilized habits, and how much cleanliness contributes to restore them to health; as well as convincing them that the reserves are really intended for their benefit; and that one of the objects, at least, of many of the Europeans coming to reside amongst them, is substantially to improve their condition.

I have mentioned my plan to the different ministers of religion here, to the police magistrate, and the resident agent, and they all approve of my suggestion.

I have taken every pains to impress upon the principal, as well as the resident agent of the New Zealand Company, the absolute necessity of not giving out to the Europeans, at present, any spots of land within the block the natives object to part with, but to put them upon those places which are not disputed, and that no force must be used in taking possession of land; nor will any act of violence or aggression towards them be for one moment permitted; and they have both promised to attend to my suggestions.

I have, &c.,

His Excellency the Governor. WILLIAM SPAIN.

No. 8.—JUDGMENT of Mr. Commissioner SPAIN, delivered at TARANAKI, June 8, 1844.

THIS day (June 8) the Commissioner pronounced judgment in the case of the claim on the part of the New Zealand Company to land in the Taranaki district.

Case No. 374 D.
Case No. 374 E.

At 10 a.m. a considerable number of natives, as well as many Europeans, settlers, assembled.

The Commissioner inquired of Mr. Protector Clarke if he considered there were a sufficient number of natives assembled. Mr. Clarke replied in the affirmative; and the Commissioner having offered him the opportunity of making any explanatory remarks to the natives, proceeded to read his judgment as follows:—

"In pursuance of what I announced on the adjournment of my court on Thursday, I shall now proceed to state the substance of what my report will be upon the claim of the New Zealand Company to the block of land in this neighbourhood, containing about 60,000 acres, as shown upon the plan now on my table, with the exceptions and reservations that I shall hereafter describe.

"Having heard all the witnesses called by Colonel Wakefield in support of the claim, as well as the evidence that Mr. Protector Clarke has deemed it necessary to adduce on the part of the aborigines, the strict course of my duty as Commissioner would be now to close my proceedings, without stating any opinion upon the case, and to make my report to his Excellency the Governor.

"But I feel that if I were to do so on this occasion I should omit an opportunity of benefiting both races in this settlement; and, considering the time that has already elapsed since the first arrival of the Europeans here, and the difficulties that have arisen from the uncertainty as to the title of the New Zealand Company to the land in this district, I, as the officer appointed by Her Majesty to investigate and determine titles and claims to land in New Zealand, should be evincing a want of zeal and anxiety to perform my duty in the spirit in which I conceive the execution of my commission was entrusted to me, if I left the settlement without informing both races the result of my recent investigation.

"I have given the evidence adduced before me my most anxious and careful consideration, and, with the most scrupulous determination to perform my very difficult duty with impartiality, justice, and firmness, I have arrived at the conclusion that the New Zealand Company, by its agents, did make a fair purchase of the block of land, containing about 60,000 acres, delineated upon the plan before me, with the exceptions hereafter to be mentioned, of the resident natives of this district, who had been for some years in quiet possession of it.

"It appears to me that these resident natives, at the time of the purchase, were under fear of their opponents, the Waikato, and that they readily embraced the opportunity of selling their land, for the purpose of getting Europeans to reside amongst them to protect them from their enemies; and, from the manner in which the purchase was effected, I am convinced that they entered into the transaction with a perfect knowledge of what they were about.

"Richard Barrett, who had been many years in the country, having a native wife and family, and understanding their language and customs, was left amongst them between two and three months, explaining the whole transaction to them, and giving them ample time for deliberation. The result of which was that they accepted the offered payment, and signed the deed.

"It affords me great satisfaction to be able to say that Barrett's testimony in this and other cases where I have had occasion to examine him, corroborated as it has substantially been by native testimony, has led me to the conclusion that he has told the plain honest truth as to what took place in all the transactions between him and the natives when employed by the New Zealand Company; and he has not hesitated to do this when his testimony has gone, in other cases, as much against his employers as it has done, in the present instance, in their favour.

"I shall report in favour of a Crown grant being made to the Company of a block of land delineated on the plan before me, between the Sugar Loaves and the Taniwa, containing sixty thousand (60,000) acres, excepting the pahs, cultivations, and burying-grounds of the natives (as arranged between his Excellency the Governor and the principal agent of the New Zealand Company), the reserves for the natives, equal to one-tenth of the 60,000 acres, the Wesleyan reserve, and the reserve for Mr. Barrett, his wife and family, both which are also marked upon the plan; and further excepting any portion of land within the blocks to which private individuals have already or may hereafter prove before the Commissioners a title prior to the purchase by the New Zealand Company.

"I will now address a few words of advice to my friends the natives. You effected one of the principal objects of your sale; you have been at peace with your former enemies ever since the Europeans arrived amongst you; you have enjoyed the advantages of the introduction of civilization; you have been able to sell your produce, and to obtain in exchange many articles of clothing and food hitherto scarcely known to you. The introduction of English money and labour amongst you has not only increased the value of the lands still reserved for you, but has taught you the way to cultivate those lands, to produce better food than you had been accustomed to grow, and thus to engage your attention in industry, instead of making and carrying on war against your neighbouring tribes; and during this healthful state of peace and quiet you have also had leisure to be taught the way to worship our Almighty God, and to lead a life here to ensure happiness hereafter.

"These blessings that I have described will be very much increased now that this land question is settled. There is ample land left for you and your children, besides what I have awarded to the Europeans, and you will find your condition daily improved.

"The Governor will afford you all every protection and assistance in his power, consistent with justice and equity; but, when he does this, he expects and insists that you will be fair and just

to the Europeans. You must not, therefore, interfere with them, or obstruct them in the cultivation of their land; for if you do, after this, you will be liable to be punished.

"And I will now say to my own countrymen, that you must be equally guarded in not interfering with the native pahs, cultivations, burying-grounds, and reserves; and, above all, you must on all occasions treat them with kindness and the utmost forbearance, recollecting that we have come to their country by our own choice, and that it is our first duty to improve them to every extent in our power, and that they are justly entitled to our utmost patience in teaching them the duties of civilized life, which we have learned from our youth upwards.

"Having thus travelled out of the strict line of my duty in informing you of what my report will be, conceiving that it would conduce to the good of the settlement, I need scarcely add that, until my report is confirmed by the Governor, no Crown grant can issue; and that, therefore, nothing that I have said to-day can for one moment justify any force in taking possession of land, or in any other act towards the aborigines than could have been legally justified before my arrival in this place.

"It affords me the utmost satisfaction to leave this settlement with the land claims settled, so far as my power as Commissioner extends."

The court then broke up.

No. 9.—Extract from Chief Protector Clarke's General Report to Government, dated July 31, 1844.

The New Plymouth or Taranaki district has been a good deal agitated in consequence of the disputed title of the New Zealand Company. In several instances settlers have been located upon spots cultivated by the natives, upon the plea that the Company had purchased these places. To avenge these insults, the natives have commenced clearing and cutting down timber upon other sections claimed by Europeans, with which, in all probability, they would not have interfered had they not been so greatly exasperated by the unjust occupation of their original cultivations. Both parties have been a good deal annoyed, and I am afraid that a strong feeling of dislike is growing up between the two races.

It would tend much to preserve the peace and harmony of the settlement if a judicious officer, acquainted with their language, and able to explain these circumstances to the natives, which otherwise are apt to grow up into serious disagreements, were permanently resident there. I have been in constant communication with some of the principal men, and have promised to send them a protector, which promise I hope soon to redeem, Mr. M'Lean, a gentleman in my office, being under preparation to fill that important place.

Most of the natives at present residing at Taranaki are emancipated slaves, who when the doctrines of Christianity began to influence the conduct of their captors, were allowed to return to their homes and re-assume their possessions; owing to this circumstance many of their countrymen have looked upon them as contemptible, and treated them disrespectfully. The interested among our own countrymen, also, taking a similar view of their position, have represented them as having no claim to the soil. The effect of all this has been, as might be expected, a most determined stand on the part of these despised people against the assumptions of their detractors; and it has even led them in some instances, as a means of wiping out the stain upon their honour, to defy their conquerors, who, but for the growing influence of Christian principles, would probably have taken advantage of this, and by re-capturing them, have thereby secured so many advantages as the possession of the Taranaki district held out for themselves; but an accurate and faithful report upon the state of this district can only be rendered after an intimate knowledge of their condition is acquired by residence amongst its inhabitants.

No. 10.—Extract from Sub-Protector Clarke's Report to the Chief Protector, dated June 29, 1844.

On the 31st of May Mr. Spain held his court at Taranaki, and closed the investigation of the claims to that district, the result of which was a verdict in favour of the Company's having effected a valid purchase; considerable excitement prevailed in consequence among the natives, but by impressing upon their minds the danger and certain ruin they would bring upon themselves if they resorted to violent measures as a means of obtaining redress for their real or supposed grievances, and by pointing out that the proper course for them to pursue was to communicate a statement of the facts in writing to the Government, I persuaded them to desist from any general attempts to molest the settlers.

In order to enable you fully to comprehend the nature of the obstacles to the amicable settlement of this branch of the question, I feel it necessary to refer to circumstances which occurred nearly 14 years ago, when Te Rauparaha persuaded a large force of the Ngatiawa and otheir tribes to assist him in his wars with the original inhabitants of the northern and southern shores of Cook's Straits. The Waikato natives, taking advantage of their absence, suddenly invaded the Taranaki district, and took Pukerangiora, a large pah on the Waitara River, capturing or destroying nearly 2,000 of the inhabitants; they then attacked Ngamotu, near the present settlement of New Plymouth, but without success, and were compelled to return to their own country. They afterwards cultivated a small portion of land formerly occupied by the Ngatimutunga, to the north of the Waitara River, but if the accounts of the natives now resident at New Plymouth are to be credited, they never cultivated any other part of the district. I believe a small party of them attempted to occupy land on the Waitara,

but met with so much opposition from the original claimants that they were compelled to retire. On these circumstnnces the Waikato natives formed their claims, but I believe they never took possession of or exercised acts of ownership upon the land generally.

They never repeated their attack, though they frequently threatened to do so; and the natives of Taranaki, finding themselves too weak to oppose effectually the expected invasion, when their principal warriors were absent with Te Rauparaha in the Middle Island, migrated with their women and children to Kapiti, and the opposite side of Cook's Straits, and rejoined their relatives.

The purchase of the New Zealand Company was transacted in the month of February 1840, when, I believe, there were not more than 60 natives (part of the Puketapu and Ngamotu tribes), residing in the district north of the Sugar Loaves. Most of these affixed their signatures to the deed of conveyance. How far they may have understood its contents, or the boundaries of the land professed to be conveyed, I cannot say, their statement being so contradictory; but I fully believe that these boundaries, and the block chosen by the Company, comprise lands that were never occupied by or belonged to them. They themselves clearly admit that they had no general claim over the district, and that they could only rightly dispose of their own individual possessions.

After the introduction of Christianity into the district of Waikato, many of the natives who had been taken prisoners at Taranaki, and reduced to slavery, were released by their masters, and permitted to return to their own country. These freed men first arrived there some months after the date of the purchase, and took possession of the spots they had formerly occupied and cultivated. Ever since which parties of the tribes in Cook's Straits have been and are still daily returning, and resuming possession of the lands they respectively occupied before their migration to the southward. On the other hand, that portion of the Waikato tribes who are not more immediately under the influence of Te Wero Wero, and particularly the natives of Mokau and the adjacent country, have expressed their determination to renew the contest with the Taranaki tribes, if they persist in a general re-occupation of the district, or accept of any payment from the Europeans.

Soon after Mr. Spain had concluded his proceedings at New Plymouth, I was called upon to settle several disputes between the two races respecting land, particularly one between Mr. Cooke and a family of the Puketapu tribe (part of whom signed the deed of conveyance to the New Zealand Company), about the occupation of the section at Te Hua. These natives commenced to clear the timber off part of the section, near Mr. Cooke's residence, for the purpose of planting. I remonstrated with them on the subject, and pointed out two native reserves at a short distance, which were much more adapted to their purpose; but they positively refused to make use of them, on the plea that they belonged to another family, and that, therefore, they had no right to occupy them. At the same time they stated, that it was with reluctance they interfered with Mr. Cooke, and that they were ready to remove if I would point them out another spot upon which they could cultivate with equal advantage, within the limits of their own claim; but as I was unable to do this without prejudicing the interests of other proprietors of sections (the whole of the land claimed by them having been selected by purchasers under the Company), I advised them, in general terms, not to quarrel or interfere with the Europeans, and particularly to abstain from anything like threats of violence.

I am of opinion that very much of the annoyance and inconvenience to which both the settlers and aborigines have been exposed is to be attributed to the imperfect manner in which the system and nature of the native reserves were described at the time of the purchases of the Company, in the several districts to which they lay claim; and many of the difficulties with which we have had to contend in our attempts to settle the disputed questions by compensation are to be traced to the disastrous proceedings at Wairau last year. A deep-rooted prejudice and suspicion of each others' motives has been engendered thereby in the minds of both races, and a settled determination on the part of the natives to resist what they may consider acts of aggression or injustice by the settlers, especially in reference to the question of land.

Feeling that much of the future prospects of the Colony depends upon the view which the Government may be pleased to take of the state of the land question, I have endeavoured faithfully to lay before you the circumstances of each case as advanced by the natives, with their sentiments thereon; and, as their official protector, I feel that I should not discharge my whole duty without, in conclusion, respectfully, but urgently calling the attention of the Government to the evidence, as taken before Mr. Spain, and the immediate necessity of a final settlement of the grounds of dispute between the two races.

No. 11.—EXTRACT from DESPATCH from Governor FITZROY to the SECRETARY OF STATE, dated December 19, 1844.

AT Taranaki I was obliged to remain some time, to bring about an amicable arrangement between he English and natives; but my efforts were happily successful in that main point, however unsatisfactory they may at first appear to the New Zealand Company.

This Taranaki question is much too long and complicated, and the documents are too numerous, to admit of my saying more here than that peace and good-will prevail at that settlement. Your Lordship will not, I hope, think me remiss in not having all such documents sooner prepared for transmission; but urgently pressing daily duties, and the accumulation of arrears of public business, owing to my indispensable absences at other settlements, have prevented their completion. The enclosed memorandum on the subject is all that I can yet forward.

New Zealand.

Appendix.

No. 12.—Memorandum by Governor FitzRoy on the Taranaki Land Question, dated December 2, 1844.

Taranaki, New Plymouth Settlement, December 2, 1844.

In February 1840 Mr. John Dorset and a few natives of the Ngamotu and Puketapu branches of the Ngatiawa tribe executed a deed purporting to convey certain lands to the New Zealand Company. The principal parties to this transaction were Messrs. John Dorset, Jerningham Wakefield, Richard Barrett, and about 40 native men and boys.

The deed above mentioned refers to chiefs and their signatures only, whereas not one-third of those that signed were chiefs even of the lowest degree, and not one was a chief of any note.

They were a small party of refugees from the conquering Waikato tribe, who had recently overrun the Taranaki district. From these men the boundaries of lands owned or claimed by the whole Ngatiawa tribe, were obtained by description, and were set down in the aforesaid deed, but the natives who gave them were ignorant of the purpose for which they were sought.

At this time all the families of the Ngatiawa tribe, one of the largest in New Zealand, were scattered along the coast between Otaki, Porirua, and Petoni, or on the northern shores of the Middle Island, or were in captivity among the Waikato, who had lately invaded and desolated the Taranaki and Waitera country; and these beautiful districts, excelling in soil, climate, abundance of wood and water, level country, and the best flax (tihore), were temporarily depopulated. But although they were thus almost without inhabitants at the time of the Company's supposed purchase of the whole country near Taranaki and the Waitera, they were neither wholly deserted nor permanently abandoned, as the presence of a small remnant of the Ngatiawa tribe at Ngamotu proves.

These districts were not occupied or settled in any way by the Waikato, who merely overran them, and then immediately retired to their own country, without cultivating the soil or constructing dwellings. Nevertheless, as the Waikato claimed to be the conquerors of the Waitera and Taranaki country, and were not only nearer at hand, but much more formidable than the dispersed Ngatiawa, it was thought advisable to make a considerable payment to the principal chief of that powerful tribe, in consideration of his claim on behalf of the Waikato generally.

At the time of the desolating invasion above mentioned, by far the greater number of the Ngatiawa, with their principal men, were absent on a hostile excursion in the south. Those who suffered by death or captivity were an inferior minority.

Early in 1842 the influence of Christian teaching induced the Waikato to release their so-called slaves from captivity, and allow them to return to their own land. Some availed themselves of this freedom; others stayed among the Waikato, by their own choice. Those who returned to the land of their fathers found that some of it was occupied by strangers, who said they had bought it, and that it was no longer the land of the Maori.

Parts of this land so claimed were all, or the greater portion of, the only places on which these returned Ngatiawa could locate themselves, without intrusion, on ground claimed by others, and they disputed the right of the stranger by various annoying methods short of actual hostility; they cut down his trees; they refused to let him extend his cultivation; they stopped up his roads, and threatened him with personal violence.

Altercations of course ensued; disputes increased, and became more serious as more natives returned, not only from Waikato, but from the southern region, which they found less inviting than the land of their birth.

At last the Company's claim to any land at Taranaki became matter of question, if not denial; and in June 1844, Mr. Commissioner Spain undertook a formal investigation of the subject at New Plymouth.

Mr. Spain's opinion was against the claim of the Ngatiawa. He considered that their country had been conquered by the Waikato, to whom adequate payment had been made, and that the right to sell lay in them and the few persons in actual possession at the time of purchase. He considered that those who had been taken prisoners and carried into captivity had forfeited all right and title to their land; and that the other Ngatiawa had parted with their claim by having abandoned or lost their country. (See Mr. Clarke's note enclosed.)

The purchase made by the New Zealand Company was deemed valid, and no further payment to any natives was thought necessary.

These opinions Mr. Commissioner Spain made known to the assembled natives as his award, stating, however, that it must be ratified by the Governor to make it final.

The disappointment and anger of the natives were so plainly shown, that considerable alarm prevailed throughout the settlement; and after Mr. Spain's departure, which took place in a few days, an express was sent off to the Governor, at Auckland, asking for military assistance in the most pressing terms, as the only security for life itself.

The Governor immediately despatched a confidential person with special instructions overland to Taranaki, and himself embarked on board Her Majesty's ship "Hazard," and hastened thither. The Bishop also repaired to the scene of difficulty with the utmost celerity, travelling from Auckland by Kawhia to Taranaki in eight days; while Mr. Whitely, the Wesleyan Missionary at Kawhia (sixteen years resident in that part of the country), preceded them.

Mr. Spain's award was made known in the middle of June, and on the 3rd of August a large meeting of English and natives were assembled at New Plymouth to hear the final decision.

The Governor informed the assembly that he did not take the same view of the question as Mr. Commissioner Spain, and that he should not confirm the award of that gentleman, however carefully and conscientiously it had been weighed and delivered. On points of law, especially the law of New Zealand, considered with reference to national laws in general, authorities might differ without

prejudice to the opinion of either, but it was for him, the Governor, to decide. He would immediately cause further investigation to be made, as to the various claimants to particular portions of land. He would then endeavour to make special arrangements with those claimants, and he would allow, in all their integrity, the claims of those of the Ngatiawa tribe who were not parties to the sale in 1840. As time would be required for these additional inquiries, he would now return to Auckland and the Bay of Islands, where his presence was imperatively wanted, and would again visit Taranaki in about two months, to endeavour to adjust this land question satisfactorily. Meanwhile he recommended and urged upon all parties the exercise of forbearance and conciliatory conduct (in which the Governor's advice was effectively supported by the Bishop, as well as by Mr. Whitely), assuring them all that the British Government would never countenance injustice or misconduct in any place or in any person. With the proceedings at this meeting all parties appeared to be satisfied; and the minds of the natives were disabused of the impression that they might be dispossessed of their own lands. They readily promised to wait quietly till the Governor's return, their Protector, Mr. M'Lean, having been instructed how to proceed. The Governor, with the Bishop, embarked on board the "Hazard" on the 5th of August, and sailed for Auckland.

On the 8th of November the Governor again landed at New Plymouth, from Her Majesty's ship "Hazard."

Mr. Whitely, Mr. M'Lean, and Mr. Forsaith had prepared the way for an arrangement, which appeared to them, as well as to the Governor, the only one likely to be effected in a satisfactory manner; and immediate steps were taken to assemble the natives, and obtain their consent.

Various impediments and delays occurred; but by the 25th of the month, all the natives interested in the land on which the town is situated, and in its immediate vicinity, had consented to receive 350*l.* in goods, money, and animals, as a full compensation and completion of payment for a block of land at and around the town, containing about 3,500 acres.

This block not only affords space for the present wants of the settlers, but has sufficient surplus land to enable outlying settlers to exchange their sections, at a distance from the settlement, for others equivalent in value, within the boundaries above mentioned.

By thus concentrating the settlement, and narrowing the boundaries of the land at present occupied by settlers, the difficulties, if not disasters, apprehended to the settlers, in consequence of the long-meditated return of the Ngatiawa, will be avoided. The few absentee claimants to any portions of the town block can be paid off as they arrive, in proportion to their actual claims (the extent of which are now fully known to the Protector) by comparing the various statements of their relations, on the spot, and their number is limited.

To enable the Company's agent to do justice to those who have purchased land outside of these new boundaries, and to enable him to procure more land for sale when required, the Crown's right of pre-emption will be waived, in favour of the Company only, within the large block (60,000 acres) already surveyed at their expense.

As the natives are, generally speaking, willing and anxious to sell the greater part of their lands, however tenacious of their right and choice, the Company's agent will not find it difficult to purchase portion after portion, for reasonable prices, provided that he does not injure his own market by buying too much or too hastily.

Undoubtedly, it is the duty of the Company to make these purchases, in order to put their settlers in possession, and that the settlers themselves should be saved from further expenditure.

As the claims of those who had bought land near New Plymouth will be as good years hence as they are now, and as by far the greater part of the distant choices, not yet cultivated, are owned by Ngatiawa not yet returned, but intending to settle on or near them, it is extremely desirable that the agent should defer treating for those sections until their real owners or the majority of them are on the spot.

By a reasonable delay, he will obtain not only much better terms from the natives, but a secure and definite transfer from the right parties.

Out of about 1,050 acre sections, surveyed and said to have been purchased by the Company, not 200 have yet been sold; therefore the matter is within compass.

An expenditure of about 3,000*l.* spread over three or four years, may settle the whole question amicably.

Assuredly it is better to employ such a sum in establishing a respectable settlement in one of the finest districts of New Zealand, where many thousands of pounds have been already laid out in buildings, cultivations, roads, and bridges, &c., than to waste it upon the neighbourhood of Wanganui, Manawatu, or Porirua, for which Colonel Wakefield carried 3,000*l.* along the coast, with Mr. Commissioner Spain, to be employed in completing the alleged purchase of those secluded but well-peopled districts, which the natives steadily refused to abandon.

As that sum will not be required for those places, it might be well employed at Taranaki.

ROBERT FITZROY,
Governor.

Auckland, December 2, 1844.

No. 13.—MEMORANDUM from the CHIEF PROTECTOR of ABORIGINES on the TERRITORIAL RIGHTS of NATIVES when in CAPTIVITY.

MEMORANDUM for his Excellency the Governor, showing that the New Zealanders do not forfeit their territorial rights by being carried into captivity, or becoming captives.

1. The wife of Moka, one of the principal chiefs of the Bay of Islands, was a captive from Wakatane, of the Wakatohea tribe. She had several children by Moka, the eldest of which was sent to

Wakatane by his mother, to claim her territorial rights. His grandfather and uncles all acknowledged the equity of the claim, and the lands are held in trust for the children by their uncles. Had the chief Moka presumed to have claimed an acre of these lands in virtue of conquest, the claim would have been treated with contempt.

2. Puhe, a Ngapuhi chief, captured the daughter of a respectable chief in the vicinity of the East Cape; he afterwards married her, and had a family by her. In consequence of some disagreement with his tribe, she advised him, and ultimately prevailed upon him, to leave his tribe and proceed with her to the East Cape, to live upon her lands, where they at present reside. Were this chief to assume a right to these lands, grounded upon conquest, it would cost him his life. By his wife's consent and that of her friends, he resides there; he is looked upon as an alien, and considers himself in the light of a voluntary exile.

3. Pata, a respectable chief from Maungatautari, near Waikato, was taken captive by the chief Tareha, of the Bay of Islands. Pata offered to sell to some Europeans a tract of country which he claimed near Waikato; doubts were expressed as to the validity of his claims, he being a captive. They were expressed to his captor Tareha, who seemed astonished at the objections grounded upon his being a captive. Pata has since returned to take possession of these lands, and is now living thereon.

4. In the year 1839, the following captives, who had been living some years as such, among the Ngapuhi chiefs; viz., William Hakopa, Abraham Koroka, Edward Wana, James Waiapu, with others whose names I do not now remember; these natives all returned to their respective lands at East Cape and Poverty Bay; they retain their rank as chiefs, claiming their landed property; and many of them are ornaments to Christianity.

A number of natives, captives from Tauranga, Bay of Plenty, have from time to time returned to their friends, and their territorial claims have never been disputed by their countrymen on the ground that they were once captives.

I could add largely to this list were it necessary, in instances of the like usages amongst the Thames tribes, the Waikato and other tribes, showing the return of the natives from captivity, and their being placed in the same position they were in before their captivity. The cases I have alluded to all took place before the colonization of New Zealand, and long before anything of the New Zealand Company was known.

I have refrained from naming cases in connexion with the New Zealand Company's settlements, although I have a distinct recollection of some cases in point there. In their first settlement a young man named Davis, a landholder now living at Wellington, was a captive from Ngapuhi; and his influence has often been used by the gentlemen of Wellington in times of trouble.

George Clarke,
October 1, 1844. Chief Protector Aborigines.

No. 14.—Extracts from Final Report of Commissioner Spain.

Office of the Commissioner for investigating and determining Titles and Claims to Land in New Zealand,
Auckland, March 31, 1845.

Sir,

I have the honour to lay before your Excellency the result of my investigation into the New Zealand Company's claims to land comprised in cases No. 374 *d* and 374 *e*, and founded upon two deeds, attested copies of which are herewith enclosed, dated respectively as per margin.

I have to call your Excellency's attention to the copy of minutes of my court, also enclosed, holden at New Plymouth, which will put your Excellency in possession of my determination upon the case, which was delivered in open court, in the presence of a large assemblage of Europeans and aborigines (translated to the latter by Mr. Forsaith, my interpreter), and which decided that the New Zealand Company was entitled to a Crown grant of a block of 60,000 acres of land, commencing on the north side of the Sugar Loaf Islands, and extending in a northerly direction to a place called Taniwa, including native reserves, with certain exceptions particularised in my judgment.

This will comprise all the land that the Company has already sold, or offered for sale in that district.

My despatch from New Plymouth, under date the 12th of June 1844 (No. 44–5), will have made your Excellency fully acquainted with the facts, circumstances, and reasons which induced me to decide in favour of the Company. Much, therefore, of the subject matter contained in this my final report upon the case has already been brought under your Excellency's consideration.

As, however, your Excellency was pleased to reverse my decision, I think it absolutely necessary now that I am about, after the most mature deliberation, to confirm my former judgment, in this my final report, to recapitulate every fact, circumstance, and reason, that I think bears upon the case, and is calculated to show the correctness of my first decision; so that this report may be complete in itself without reference to any other document. * * * *

About eleven years ago a battle was fought between the Waikato and the Ngatiawa residing in this district, at a place called Pukerangiora, when the former completely conquered the latter, taking a great many prisoners with them to Waikato, whom they made slaves.

The majority of those who escaped, fearing a further attack from the Waikato, migrated to Waikanae, Port Nicholson, and other places to the south, took possession of and cultivated the land there; and in the case of Port Nicholson I have already admitted their title by reason of their occupation and cultivation of the soil for a period of nine or ten years, as against Te Rauperaha and others, who pretended to claim that district by right of conquest.

The resident natives of whom Barrett made the purchase in question, appear to have been permitted by the Waikato to occupy this district between the Sugar Loaves and Taniwa without interruption, from the time of the taking of Pukerangiora until the purchase; most of them, however, appear to have lived opposite the Sugar Loaves, for the purpose of being ready to escape in case of further attack; and it seems to me that fear of the Waikato, coupled with a desire to have Europeans to reside amongst them, to protect them from their enemies, was one of the principal moving causes that induced them to consent to the sale of the district.

It appears to me that those Ngatiawa who, having left this district after the fight, sought for and obtained another location, where they lived and cultivated the soil, and from fear of their enemies did not return, cannot now show any equitable claim, according to native customs, or otherwise, to the land they thus abandoned. Had they returned before the sale, and with the consent of the resident natives again cultivated the soil without interruption, I should have held that they were necessary parties to the sale.

During my residence in this country in the execution of my commission, for a period of between three and four years, I have taken every opportunity of ascertaining by every means in my power all native customs respecting the tenure of land; and, in my decisions, I have endeavoured in every instance to respect them, where certain; and, where doubtful, or not clearly ascertained, I have allowed justice, equity, a common-sense view, and the good conscience of each case, to supply their place.

Bearing all these points in mind, I am of opinion that the adoption of a contrary doctrine to that which I have just laid down would lead to very serious consequences, not only as regards titles to land between the aborigines themselves, but also as between them and the Europeans.

It appears that some of the Ngatiawa tribe, after the arrival of the Europeans, and the formation of the settlement, when they thought themselves in consequence safe from their enemies, did return to Taranaki and commenced the cultivation of land within the limits of the block previously alienated to the New Zealand Company; but I cannot, for the reasons stated above, admit their title, a recognition of which would oblige me to admit that of all others similarly situated, who might at any time think proper to return and claim payment.

From my first arrival at Wellington, the chiefs Moturoa, Wairarapa, and others, members of the Ngatiawa tribe, who disputed the sale of that place to the Company, constantly told me that they should remain there until they obtained payment, and then go to Taranaki, which they had left ten years before, and claim payment for that place also.

I invariably discouraged them from taking a step which appeared to me so unfair and unjust; and I was much pleased to find that not one of them appeared at my court to assert any claim; although they had full notice of my intended visit to Taranaki to investigate the claim there; and some of their people and Wairarapa's son travelled with me the whole journey.

If, however, the claim of those who had returned since the purchase had been once admitted, no doubt all the others would have immediately claimed payment, and my inquiry would have been almost interminable. * * * *

On the following Saturday I delivered my judgment, to which I would call your Excellency's particular attention, as showing that every possible care was taken therein to avoid unnecessary excitement amongst the natives, and that every human effort was made on my part, consistently with the circumstances of the case, to preserve a good understanding between the two races.

It appears from the evidence that—pending the negotiation for the purchase—the natives pressed Barrett for some double-barrelled guns, but finding that there were none on board the vessel, they at length accepted the offered payment without them, and executed the deed. Barrett still, however, promised that, at some future period, he would procure them a case of double-barrelled guns. I considered it unsafe at the time to give them the guns, or their value, in consequence of their position with the Waikato, which is fully explained in a subsequent part of this report.

Under these circumstances, I called upon the principal agent of the Company to place at my disposal such a sum of money as I might value the guns at, to be disposed of as your Excellency might decide for the benefit of the natives, with which request he immediately complied, as will appear by his letter on this subject, a copy of which is herewith enclosed.

I valued the case of guns at 200*l.*, and in my Despatch (under date the 12th June 1844) before referred to, I had the honour to recommend to your Excellency the manner in which, in my opinion, that sum might be disposed of most advantageously for the benefit of the natives.

I have not seen any land claimed by the Company that can be spared from the aborigines so little interfering with, or likely to injure their interests, as the block in question.

By the enclosed return from the resident agent of the New Zealand Company, your Excellency will observe that the natives had then only 121 acres in cultivation in the whole block of 60,000 acres, many of which were commenced long after the sale, yet in order to avoid, as far as possible, the cause of any misunderstanding between the two races, I have carefully reserved all these cultivations, their pahs, and burying-grounds, in addition to the 6,000 acres to which they are entitled as native reserves.

Ample provision has thus been made for the natives in the reservation of land, more than sufficient for their wants.

The block originally claimed by the New Zealand Company was two miles more in length, and two miles more in breadth, than that shown in the plan forming Enclosure No. 9 of this report; and was thus reduced by the principal agent of the New Zealand Company after our arrival at New Plymouth,—leaving another immense block of the very best and most available land immediately adjoining that of the Company, for the natives.

This map will show your Excellency where the native reserves in the suburban sections have been chosen; none, however, have been made for them in the rural sections, although 159 out of the 500 sections have been already selected by the Company's purchasers; owing to the absence of any authorized agent to select for the natives. As this might probably inflict an injustice on the natives by depriving them of their one choice in ten, I addressed the resident agent on the subject, in a letter, of which I enclose a copy. The condition I have therein insisted upon with regard to the future selection of unchosen native reserves, will form a part of my present award.

The principal agent having communicated to me that he was ready in any case where I might consider it expedient to make a further payment to the natives, although not strictly legally or equitably due to them, I inquired of Mr. Clarke, before entering upon the case, and several times after its commencement, whether he considered it would be expedient to offer any further payment to the claimants; but he invariably stated to me that this could not be done with safety; that he had not the slightest chance of inducing the natives to accept a composition, and that if they received any further payment, the Waikato would come down upon them and take it away, which would in all probability lead to a fight between them. I also heard from several authentic sources that the Waikato, looking upon these people as slaves, were continually threatening to come to Taranaki, and take them back into a state of slavery.

Had it appeared expedient, I might have recommended, as a matter of policy only, but certainly not according to the evidence as a matter of right, that some payment should be made to the natives, as an act of grace on the part of the Company, calculated to assist in procuring a good understanding between the two races; but under the circumstances, and with the probable consequences so apparent, I feel it would have been unwise, inexpedient, and justly censurable, to have pursued such a course. If such an offer had been made, even by way of gratuity, I am satisfied, from the evident spirit manifested by all the aborigines I had seen since my arrival, that it would have been refused, and construed into an admission on my part that they had not sold their land,—besides rendering them still more determined to withhold the land from the Europeans. If, on the contrary, any such payment had been accepted by those who were then present, hundreds of other claimants would have soon sprung up from among the members of the same tribe, whom I have before described as now residing at Port Nicholson, Waikanae, and the other places, while there would have been a strong probability of an attack from the Waikato.

Under these circumstances it appeared to me to be a case where my duty pointed out the necessity of deciding whether there had been a purchase or not, and finding considerable anxiety manifested alike by the European and native population to learn the result of my investigation, and feeling that any further delay would not only prove injurious to both races, but was also calculated to keep alive and prolong feelings of animosity between them, I gave my judgment on the case; but wherein I have most carefully explained that the same was subject to confirmation by your Excellency, and could not be carried into effect without your approval. I felt that my decision being against the Maories, it was much better that when it was first made known to them, there should be some officer of Government on the spot, to explain fully to both races the reservations of the pahs, cultivations, and burying-grounds, as well as of one-tenth of the block for the benefit of the aborigines; and it also afforded me an opportunity of offering a few words of advice to both Europeans and natives.

It further occurred to me that it would be more expedient that any disappointment experienced by the natives at the first decision against them should be visited upon me, as the officer appointed for this special duty, rather than expose your Excellency to the chance of sharing it, which would in all probability have been the case had my decision been first made known to them after it had been submitted to and approved by your Excellency. It will thus appear that while exercising a power which I then believed (and I still retain the same opinion) was vested in me by virtue of the commission I have the honour to hold from Her Majesty,—"To investigate and determine titles and claims to land in New Zealand,"—I gave the fullest public notice at the time, that a Crown grant would not issue until your Excellency had approved my decision; and that I adopted on that occasion language which I thought best calculated to convey the respect and deference due from every officer holding Her Majesty's commission to the head of the Colonial Government.

I think I have also shown that the circumstances and existing state of feelings between the two races at Taranaki in every way justified the step I took, as a matter of expediency.

Had I, however, for one moment entertained any doubt as to the powers vested in me, or of the way in which your Excellency wished me to exercise them, a reference to your Excellency's speeches delivered at Waikanae and Port Nicholson, in the presence of large numbers of Europeans and natives, would have immediately decided the course that I ought to follow. In the report of your Excellency's speech at Waikanae, published in the *Wellington Spectator* of the 2nd March 1844, as an official narrative (I hold the manuscript corrected by your Excellency, with your authority for its publication), I find the following passage, on your introduciug me to the assembled natives:—"You may place implicit confidence in the fairness and impartiality with which Mr. Spain will investigate asserted claims to lands, and decide upon the nature of alleged purchases. He will also have authority to inquire into cases where it may be necessary to make arrangements for a further payment as compensation where it is fairly due."

In the report of your Excellency's speech to the natives of Te Aro, at Wellington, published in the same paper, on the 6th March (with the like authority and with the same correction), I find the following passage:—

"Mr. Spain, having the Queen's confidence, came out here to settle these difficulties which have troubled us so long. Mr. Spain has also my approval for the extreme impartiality and faithfulness with which he has gone into all those difficulties, and he has my confidence in the impartiality of his future proceedings."

Again, in another part of the same speech is the following passage:—

"The Commissioner, I repeat it, for there are some now in the room who were not here when I mentioned it before, is the officer appointed by the Queen to inquire into and decide finally upon all these questions. Some one must decide finally, and all who know him, know and believe, as I do, that he will do his best to decide faithfully and impartially for all. No man can do more."

I have thus not only your Excellency's authority, declaring that I did possess the power of deciding finally, but the utmost publicity given by your Excellency to both races, of my real position: thus rendering it doubly imperative upon me to pronounce my decisions publicly upon the close of each case.

It was with considerable surprise, that when at Nelson in August last, I received the first intimation of your Excellency's disallowance of my decision at Taranaki, from the principal agent to the Company, who showed me a letter which, from its tenor and superscription, he had no doubt was dictated by your Excellency — but bearing no signature — in which your Excellency informed Colonel Wakefield, that "it was not your intention to comply with my recommendation regarding the New Zealand Company's purchase of land at Taranaki; and that you should cause a further investigation to be made as soon as possible;"—also stating that "a large number of natives would be set aside by me (namely, those who were absent, or in captivity at the time their lands were said to have been sold), whose claims you felt bound to recognize and maintain."

By the same post I had the honour to receive a letter from your Excellency, requesting "me to meet you at Taranaki on the 1st October then following, and to have with me the evidence taken at my court in June last;" but wholly silent as to the fact of your Excellency having reversed my decision.

When your Excellency was pleased to disallow my judgment at Taranaki, I was in possession of all the depositions of both natives and Europeans, that had been taken in the case, from its commencement on the 16th June 1842, to its close on the 7th June 1844.

During that period I had been engaged in investigating the other cases of the New Zealand Company; had examined many witnesses of both races, and obtained various information upon native customs, and the claims of the tribes in and about the Company's settlements,—many of which bore expressly upon the Taranaki question.

Nevertheless, without having had the opportunity of seeing a line of the evidence, without consulting me upon the reasons for my decisions, or even intimating to me your intention, your Excellency was pleased to reverse my judgment—notwithstanding your Excellency's public declaration, of but a few months before, that I was the officer appointed by the Queen, to inquire into and decide finally upon all these questions.

Your Excellency has not been pleased to inform me what testimony or information, obtained at Taranaki or elsewhere, induced your Excellency so suddenly to impugn and disallow my judgment. But I cannot forbear remarking that any such testimony or information must have been collected in the absence of three persons whose presence was most necessary on such an occasion,—namely, Mr. Protector Clarke, who for three years had been engaged in my Court as the official advocate of the natives,—the principal agent of the New Zealand Company, who during the same period had been occupied in supporting the claims of that body to land in this country,—and myself, the Commissioner appointed to determine those claims who had presided at their investigation.

Their presence, requisite at all times when any inquiry was to be made into any of these claims, was more than ever essential at any reconsideration of a case where your Excellency was about to reverse the decision, arrived at after a long and careful investigation by a duly constituted tribunal.

Had Mr. Clarke (whose zeal in advocating the interests of the aborigines cannot be questioned for a moment) entertained the idea that the returned slaves had any just or equitable claim to the land, he surely ought to have brought forward such claim, and urged its recognition; but his speech to the natives on the close of the evidence, wherein he had expressed himself in strong terms, to the effect that I had afforded him every opportunity of bringing forward evidence on the part of the natives, affords abundant proof that Mr. Clarke held no such doctrine. * * *

The only other point that it appears to me necessary to comment upon, is what appears in your Excellency's letter to Colonel Wakefield, as the ground upon which your Excellency refused to confirm my decision, viz.,—That a large number of natives would be set aside by me, (namely, those who were absent or in captivity at the time their lands were said to be sold,) whose claims your Excellency was bound to recognize and maintain.

Now the evidence clearly establishes that when Richard Barrett purchased of the resident natives the block of land that I have awarded, as before so fully detailed and commented upon, none of these absentees or slaves were residing upon the land in question. The absentees who were driven away by the Waikato at the battle of Pukerangiora, which took place 10 or 11 years ago, had utterly deserted the place, to which they durst not return for fear of their conquerors, but had adopted other locations for their homes; while the slaves who had been taken prisoners of war at the same battle, were many of them living in a state of slavery with their conquerors at Waikato, at the time when the district was alienated by the resident natives. "The report (says Mr. Clarke's witness) reached us at Waikato that Ngamotu had been paid for by Richard Barrett." Neither the absentees or slaves returned again to the district until after the sale by the resident natives to Barrett, and by the Waikato to Governor Hobson.

The question then which your Excellency has raised, turns upon whether slaves taken in war, and natives driven away, and prevented by fear of their conquerors, from returning, forfeit their claims to land owned by them previously to such conquest.

And I most unhesitatingly affirm that all the information that I have been able to collect as to native customs, throughout the length and breadth of this land, has led me to believe and declare the

forfeiture of such right by aborigines so situated. In fact I have always understood that this was a native custom fully established and recognized; and I never recollect to have heard it questioned until your Excellency was pleased in the present instance to put forward a contrary doctrine.

Since that time I have made every further inquiry in my power amongst competent and disinterested persons, whose testimony has fully confirmed my original opinion.

I enclose a copy of a letter upon this subject received from the Rev. Mr. Ironside, a Wesleyan missionary, who has been many years residing in New Zealand, and is well acquainted with the Taranaki natives, and whose opinion is entitled to weight.

I am fully of opinion that the admission of the right of slaves who had been absent for a long period of years, to return at any time and claim their right to land that had belonged to them previously to their being taken prisoners of war, and which before their return, and when they were in slavery, had been sold by the conquerors and resident natives to third parties, would establish a most dangerous doctrine, calculated to throw doubts upon almost every European title to land in this country, not even excepting some of the purchases made by the Crown, would constantly expose every title to be questioned by any returned slave who might assert a former right to the land, let the period be ever so remote; and would prove a source of endless litigation and disagreement between the two races, a result which must soon stop the progress of civilization amongst the natives, so essential to their amelioration.

Let it be remembered that in my award to the Company I have excepted all the pahs, cultivations, and burying-grounds of the natives, and that they have also 6,000 acres of native reserves, so that in fact their condition is in every way benefited, and they are not deprived of any land whatever that their wants require, while the Company only acquire waste land.

It will always be a source to me of deep regret that I have had the misfortune to differ with your Excellency upon this very important case. Considering, however, the high trust reposed in me when I was charged by my Sovereign with such an important commission in this distant land, admitting at the same time the difficulties and perplexities which have met me at every step in its execution, and with the most sincere desire to perform my duty honestly and justly, and with a due regard to the oath I have taken so to do, I can come to no other conclusion than that the Company is fairly and justly entitled to the whole block of 60,000 acres of land; and, therefore,

I, William Spain, Her Majesty's Commissioner for investigating and determining titles and claims to land in New Zealand, do hereby determine and award, that, upon payment by the New Zealand Company of the sum of 200*l.* sterling to his Excellency the Governor of New Zealand, to be applied for the benefit of the resident natives of the district of New Plymouth, in any way his Excellency may think best calculated to promote their interests, the Directors of the New Zealand Company of London and their successors are entitled to a Crown grant of a block of 60,000 acres of land, situate, lying, and being in the district or settlement of New Plymouth or Taranaki, in the northern division of New Zealand; which said block of land commences on the north side of the Sugar Loaf Islands, and extends in a northerly direction to a place called Taniwa, and which said block of land is more particularly delineated and set forth upon the accompanying plan, No. 9. Saving and always excepting, as follows:—All the pahs, burying-places, and grounds actually in cultivation by the natives, situate within any part of the before-described block of land hereby awarded to the New Zealand Company as aforesaid, the limits of the pahs to be the grounds fenced in around their native houses, including the ground in cultivation or occupation around the adjoining houses, without the fence, and cultivations as those tracts of country which are now used by the natives for vegetable productions, or which have been so used by the aboriginal natives of New Zealand since the establishment of the Colony; and also excepting all the native reserves, equal to one-tenth of the 60,000 acres hereby awarded to the said Company, part of which said native reserves have already been chosen, and are marked yellow upon the said plan of the district herein-before referred to, and the remainder of such reserves are to be chosen according to the rate of one choice in ten, as fully explained to the resident agent of the New Zealand Company in my letter to him under date the 13th of June 1844, forming Enclosure No. 7 of this report; and also excepting all that piece of land containing 100 acres reserved by the natives at the time of sale to the New Zealand Company for the Wesleyan Mission Station, which said piece of land is delineated and set forth upon the said plan of the district, and also upon the plan herewith enclosed, No. 10; and also excepting all that piece of land containing 80 acres, and all that piece of land containing 100 acres, being sections 23 and 37, which have been reserved for Richard Barrett, his wife, and children, which said two pieces of land are delineated and set forth upon the said plan of the district, and also upon the plan herewith enclosed, No. 11; and also excepting any portions of land within any part of the block of land herein-before described and hereby awarded to the said Company, to which private claimants have already or may hereafter prove before the Commissioner of Land Claims a title prior to the purchase by the New Zealand Company. * * *

No. 15.—Despatch from the Secretary of State to Governor Sir George Grey, dated July 2, 1846.

Sir, Downing Street, July 2, 1846

I have received Captain FitzRoy's Despatch, marked separate, of the 29th of October last, enclosing a copy of a letter addressed to the Colonial Secretary by the principal agent of the New Zealand Company. Captain FitzRoy states that letter to have been forwarded by him as it might be required for reference in connexion with the arrangements made at New Plymouth.

From that letter it appears that Colonel Wakefield, adverting to the arrangement entered into by the Company with the Government in the year 1840, for the purchase of land at New Plymouth, and to the award of Mr. Commissioner Spain, which had been overruled by Captain FitzRoy, had refused to accept on the part of the Company the title deeds to 3,500 acres of land at that settlement.

I cannot but express my great surprise and regret at not having been placed by Captain FitzRoy in possession of a full report of the course which he pursued in this case, and of his reasons for that course. I, however, indulge the hope that you may have found yourself in a condition to give effect to the award of Mr. Spain in the case of the Company's claims at New Plymouth; and, in any case, I rely on your endeavours to gain that end, so far as you may have found it practicable, unless indeed, which I can hardly think probable, you may have seen reason to believe that the reversal of the Commissioner's judgment was a wise and just measure.

I have, &c.

W. E. Gladstone.

Governor Grey,
&c. &c.

No. 16.—Despatch from Governor Sir George Grey to Secretary of State, dated New Plymouth, March 2, 1847.

My Lord, New Plymouth, New Zealand, March 2, 1847.

In the course of yesterday and this day I have had interviews with several bodies of natives upon the subject of the claims of European subjects of Her Majesty to various tracts of land in this district, and I regret to state that the majority of these interviews have been of the most unsatisfactory nature.

It will be in your Lordship's recollection that Mr. Commissioner Spain, who was specially appointed in England for the purpose of investigating claims to land in New Zealand, after minute inquiries made upon the spot, decided that a tract of 60,000 acres of land had been purchased at Taranaki, in a *bonâ fide* manner, for the use of British subjects. Subsequently to this decision of the Commissioner my predecessor thought proper to set aside the award that had been made, because (as I understand his decision) the claims of certain absentee native proprietors had not been extinguished at the time the original payment was made.

My predecessor entered, upon this account, as I believe, into a new arrangement, by which a block of about only 3,500 acres was immediately secured to the Europeans. But I do not understand, nor can I think that he intended that the original purchase should be set aside, in as far as those natives were concerned who had originally sold their land in a *bonâ fide* manner, and received payment for it. To my surprise, however, yesterday some of the natives who were the parties to the original sale, and who had been amply paid for the laud they had disposed of, informed me that they intended to stand by my predecessor's arrangement, and to repudiate the first transaction; and that they would neither permit the Europeans to occupy the land they had sold them, nor would they even do so upon receiving another payment, but they insisted upon the Europeans confining themselves to the block of 3,500 acres.

In the same manner the majority of the natives whom I have seen to-day (none of whom were parties to the original sales, but were principally the inhabitants of Waikanae and the country in its vicinity) stated, in the first instance, that they would not, upon any terms, permit the Europeans to move beyond the block of 3,500 acres. And, upon my pointing out that they were actual occupants of large tracts of land along Cook's Straits, that they did not use any land in the neighbourhood of Taranaki, and that they could not remain here upon account of their enemies, if it were not for the presence of the Europeans, they stated that some of them intended to come and live here themselves, and that they had plenty of Europeans here. I then pointed out to them that the great majority of them had not, until recently, advanced any claim to this land, although they were quite aware that the Europeans intended to purchase it (which they had even recommended them to do), as also that the Europeans had eventually bought it and occupied it; after which they had opened up the country by roads, built houses, cultivated lands, &c., and spent large sums in the improvement of the district; and that, when this had all been done, the natives put forward their claims, and turned the Europeans off. They merely replied, that it was their land, and they would do as they thought proper with it.

One of their leading men then asked me some questions respecting a section of 50 acres, occupied by a Mr. Flight, which lies without the block of 3,500 acres, and asked me where I intended that Mr. Flight should settle? I answered that he was already settled. He then asked me when I intended to compel Mr. Flight to retire within the block of 3,500 acres? I answered, Not at all; but that if any native had a claim upon Mr. Flight's section of land he should be compensated; but that, as this claim had not been advanced until Mr. Flight had occupied the ground, and expended a considerable sum in clearing and cultivating it, I could not permit him to be disturbed. He replied, Very well; but that all the native claimants must be satisfied, and have a good payment, as these hitherto had been very insufficient, and that the payment I made in this instance would be considered as a sign of my good intentions for the future. I then asked him how many persons might expect to be paid for this small portion of land? He replied, that they had arranged that 200 men should be paid. In fact, it is quite clear that, relying upon their great numerical superiority, and anxious to maintain this, they had determined to allow no more Europeans to come amongst them. At the same time I found the settlers in a state of great distress; many of them who had brought large capital with them from England have now expended the whole of their money, waiting in the vain expectation that they would at last be permitted to occupy their land, and living from year to year upon that

capital which was intended to render their land productive, and which, having been now all wasted, will render their land comparatively valueless when it is obtained for them.

The numerous complaints made by the settlers, and the bearing and conduct of the natives themselves, convinced me that the natives of a portion of this district regard the Europeans as, in every respect, in their power, and as persons who must submit to their caprice.

I thought it proper, therefore, at once to assume a high tone to them, and to acquaint them that I intended ultimately to carry out the arrangement, the terms of which I would acquaint them with.

Before detailing the terms of this arrangement to your Lordship, I think it as well briefly to recapitulate the facts of the case, which led me to form the decision I did.

This country was (as is shown from the remains of pahs and cultivations still visible) very densely populated about 15 or 20 years since by the Ngatiawa tribe. They were attacked by the neighbouring Waikato tribe. A large number of them were destroyed, a large number of them led away captive, and the remaining portion of them abandoned their homes and retreated to the country bordering on each side of Cook's Straits, which had previously, as far as the shores of the Northern Island are concerned, been nearly depopulated by a war party led down there by Waka Nene, and other Ngapuhi chiefs. Only a small portion of the Ngatiawa tribe, consisting of about 40 men, returned to the home of their fathers at Taranaki.

Affairs were in this state when the European settlers came to Port Nicholson; that place and the surrounding country was sold to them by the Ngatiawa tribe, who recommended the Europeans to go to Taranaki, and purchase land from the natives resident there; they did so. European settlers then went to Taranaki; the country was opened up by roads, farms were formed, and the Europeans at last formed a tolerable safeguard against the Waikato tribes. At this time portions of the Ngatiawa tribe, who had been released from slavery, as well as those inhabiting Port Nicholson and Cook's Straits, feeling reassured by the presence of the Europeans, and regarding them as a protection against their former enemies, began to return to Taranaki, and soon finding themselves numerically superior to the Europeans (who recently also had suffered some reverses at Wairau and elsewhere, so that their power was supposed to be on the decline), they began to claim the whole district, and to turn the Europeans off their farms.

Mr. Commissioner Spain, who was appointed to investigate these questions, came about this time to Taranaki, and, after inquiry, decided that a district of 60,000 acres had been fairly purchased from the resident natives. My predecessor, however, in the latter end of 1844, set aside the award of the Commissioner, and further stated, that he would recognize, in their fullest integrity, the claims of the absent members of the Ngatiawa tribe. He, at the same time, repurchased a small portion (about 3,500 acres) of the district awarded by Mr. Spain, and notified that the remaining portion of the tract of land claimed was in like manner to be repurchased. He also required several European settlers to abandon their farms, and to move within the block, paying them a trifling compensation for the loss and injury to which they were subjected.

Since that time various individuals of the Ngatiawa tribe (which is a very numerous tribe), anxious to share in the expected payment, have been locating themselves temporarily at Taranaki; and every separate family of the tribe has been sending up some persons to look after their interests. These individuals have been quarrelling amongst themselves regarding their respective claims; and in order that there might be much to pay for, have prevented the Europeans occupying any additional land, although many hundred thousand acres of the richest soil are lying perfectly neglected and useless, whilst many European families have been left in comparative want. Indeed, the inability of the natives to adjust their respective claims, now makes them unwilling to allow the land to be sold at all, and they constantly assert that those natives who wish to sell land have no right to dispose of it.

Upon taking a review of the whole of these circumstances, together with our isolated and weak position in this portion of New Zealand, the only arrangement I thought could be advantageously made was, to acquaint the natives that I should order, in the first place, that the most ample reserves for their present and future wants should be marked off for the resident natives, as well as for those who were likely to return to Taranaki; but that the remaining portion of the country, in that district, should be resumed for the Crown, and for the use of the Europeans; that, in the fulfilment of the promises made by my predecessor, the value of the resumed land, in its wild and defenceless state, should be assessed by a Commissioner, and that a Court should then be appointed to inquire into the native titles to the whole, or portions of the district so resumed; and that those natives who established valid claims to any part of it should receive the corresponding portions of the payment to which they would become entitled.

But very few of the natives seemed disposed to assent to this arrangement; but they distinctly understood that it was my intention to enforce it. I trust that it may meet with your Lordship's approval, as the best which could, under circumstances of such difficulty, be made, and as one which, whilst it ensures the interests of Her Majesty's European subjects, inflicts no injury on Her Majesty's subjects of the native race; although I fear that these latter, now that their cupidity has been so strongly excited, may, if they think they are strong enough, endeavour to resist it by force of arms.

I have, &c.,

G. GREY.

The Right Hon. Earl Grey,
&c. &c. &c.

P.S.—I have the satisfaction of being able to state to your Lordship, that, since writing the foregoing despatch, I have ascertained that the whole of the Ngatiawa tribe, with the exception of one family of it, named Puketapu, have assented to the arrangement detailed in this despatch, and that several European settlers have already been put in possession of their lands. I have now every hope that the Puketapu family will shortly follow the example of the rest of the tribe. I think that a consideration of their own interests will lead them to take this step; but should they adopt any hostile proceedings against the settlers, their influence is so trifling, that they cannot cause any great amount of mischief, although certainly they may occasion great expense and trouble to the Government. I will, in the meantime, take care that every precaution for the protection of the settlers is adopted.

G. G.

No. 17.—DESPATCH from Governor Sir GEORGE GREY to SECRETARY OF STATE, dated April 5, 1847.

Government House, Auckland,
April 5, 1847.

MY LORD,

ADVERTING to Mr. Gladstone's despatch, No. 37, of 2nd July 1846, directing me to do my utmost to procure for the New Zealand Company the block of land at Taranaki to which in the terms of Mr. Commissioner Spain's award they were entitled, but which award had been set aside by my predecessor, and referring at the same time to my despatch, No. 26, of the 2nd ultimo, on the subject of the land question at Taranaki, I have now the honour to enclose a copy of the memorandum of instructions which I gave to Mr. M'Lean, the officer whom I appointed to carry out the arrangement which I intended to adopt for the adjustment of the disputes relative to land at New Plymouth.

I trust that the course I have pursued in this case may be satisfactory to your Lordship. The matter was beset with difficulties, and was complicated in an extraordinary degree.

Your Lordship will perceive that in this, as in the other similar cases, the portion of the purchase-money to be refunded by the New Zealand Company will hereafter have to be decided by Her Majesty's Government; but this case will be embarrassed by one peculiarity—in all other purchases which I have made for the Company, the Commissioner appointed by Her Majesty's Government to inquire into the Company's titles to land decided that they had not purchased the districts they claimed; but in the case of Taranaki, he decided that the Company were entitled to a Crown grant for 60,000 acres of land in that district, with certain exceptions. I have, in all cases, enforced Mr. Commissioner Spain's decisions when they were adverse to the New Zealand Company, and it therefore remains to be considered whether they are entitled to the benefit of this decision of Mr. Spain in their favour. If this question should be decided in favour of the Company, then it will have to be determined whether the Government should or should not pay the sum which must be expended in repurchasing the tract of land awarded to the New Zealand Company at Taranaki, as this repurchase has been rendered necessary by the fact of my predecessor having set aside Mr. Commissioner Spain's award. Practically, this question may not be one of very great importance, for I have never in any part of the world seen such extensive tracts of fertile and unoccupied land as at Taranaki. I have, therefore, but little doubt that so large a tract of country will ultimately be purchased by the Government in that district for a comparatively small sum, and that the lands required by the New Zealand Company will bear but a very small proportion to the whole district acquired by Government.

I have, &c.

The Right Hon. Earl Grey,
&c. &c. &c.

G. GREY.

No. 18.—INSTRUCTIONS from Governor Sir GEORGE GREY to Commissioner M'LEAN, dated March 5, 1847.

March 5, 1847.

1. Mr. Commissioner Spain reported, that the New Zealand Company were entitled to a Crown grant of a block of 60,000 acres, lying within certain defined limits.

2. The Governor (Captain FitzRoy) did not take the same view of the question as Mr. Spain, and would not confirm that gentleman's award; on the contrary, in November 1844, he sanctioned a totally new purchase of a small block of land, of 3,500 acres, by the agent of the New Zealand Company, and he made certain promises to the natives, which have induced many of them to return to lands which, they state, they understood Captain FitzRoy to guarantee to them in permanent possession; on these lands they have now extensive pahs and cultivations included in the block awarded by Mr. Spain.

3. Thus, on the one hand, the New Zealand Company claim the rights (if any) which they may have acquired under Mr. Spain's award; while, on the other hand, the natives claim the disallowance of that award by the Governor, the rights which the late Governor promised to maintain to them in all their integrity, and the fact of their present occupation of the land under the sanction of the Governor.

4. It is proposed to evade, in as far as practicable, the various difficulties which have arisen under these conflicting circumstances, by in the first place reserving to the several tribes who claim land in this district, tracts which will amply suffice for their present and future wants; and 2ndly, resuming the remaining portion of the district for the European population, and when the extent of the land so resumed has been ascertained, to determine what price shall be paid to the natives for it; this amount not to be paid at once, but in annual instalments, extending over a period of three or four years; at the end of which time it may be calculated that the lands reserved for the natives will have become so valuable as to yield them some income, in addition to the produce raised from those portions of them which they cultivate.

5. Every effort should be made to acquire for the European population those tracts of land which were awarded to the New Zealand Company by Mr. Spain; and where blocks are reserved for the natives within these limits, portions of land of equal extent (greater, if possible,) must be purchased without the limits for the New Zealand Company.

6. If possible, the total amount of land resumed for the Europeans should be from 60,000 to 70,000 acres; a grant of this tract of land will then be offered by the Government to the Company.

7. The price paid for any portion of land should not, under any circumstances, exceed 1*s.* 6*d.* per acre, and the average price should be below this amount. The greatest economy on this subject is necessary.

8. No time should be lost in completing these arrangements.

9. Two surveyors and parties, upon the most economical scale, must be engaged for this purpose. The police should, in as far as practicable, be employed on it.

10. This arrangement should be carried out, in the first instance, with those parties who have given their assent to it, including the natives who have offered a tract of land for sale to the south of the Sugar Loaves.

11. Where land without the block awarded by Mr. Spain is now acquired, and required for immediate use by the company's settlers, sections must be surveyed for them.

12. Those natives who refuse to assent to this arrangement must distinctly understand that the Government do not admit that they are the true owners of the land they have recently thought proper to occupy.

13. Mr. McLean is entrusted with the conduct of these arrangements, but in all matters of importance he must consult with Captain King, and acquaint him with the steps which he proposes to take.

14. In reserving the blocks intended for the natives, the surveyed lines of the company should, in as far as practicable, be observed; but whenever there is a necessity for a departure from this course the lines must be run as Mr. McLean thinks proper.

G. Grey.

March 5th, 1847.

No. 19.—Extract from Letter of the Superintendent of the Southern Division to Governor Sir George Grey, dated 26th July 1847.

Wellington, July 26, 1847.

When I was up the coast last week, I was met at Waikanae by a large concourse of the Ngatiawa tribe, including "William King," and many of the most influential chiefs, to whom I made known your Excellency's views relative to their meditated move to Taranaki, and was much gratified to find that no disposition existed on their part to act in opposition to them; their demeanour was quiet, respectful, and exhibited no symptom of annoyance with or resistance to the Government. "William King" stated, that although they were still bent upon going to that district, yet they repudiated the idea of doing so by stealth, or before consulting with the Governor, and learning the time he would permit of their removal; adding, that the Ngatiawa tribe had always been friendly to the Europeans, and it was their desire to continue on the same amicable terms they have hitherto been. I, however, much incline to the opinion, that the migration, if it ever takes place, will be very partial, probably merely "William King" and his followers, as I found many indifferent and some altogether averse to leaving Waikanae. At Queen Charlotte's Sound also, it appears the principal chief, "Robert," has not yet given his consent, and in this neighbourhood the Ngatiawas are cultivating as usual, and now show no symptom of moving. "William King," on behalf of those at Waikanae, urged strongly the purchase by Government of the district; and when I mentioned that I did not think your Excellency contemplated making further purchases of land at present, they evinced the utmost anxiety (engendered no doubt by the scarcely concealed intention of the Ngatitoa tribe to take possession of the land when they leave it,) that a promise should be given, if the Government did not wish to obtain the district when the time was decided upon for their departure, that they should be the parties negotiated with, and to whom the purchase-money should be paid, whenever it was considered expedient to require the land.

M. Richmond.

No. 20.—COMMISSIONER M'LEAN'S LIST of the WAIKANAE EMIGRATION in April 1848.

Intending to settle at	Name of Tribe.	Name of Canoe.	Principal men in Canoe.	Men.	Women.	Children.	Total Men.	Total Women.	Total Children.
North of Waitara	Ngatitama	Takahurihuri	Rangikatatu	5	5	—			
		Nangaroa	Kurihanga	5	2	2			
							10	7	2
	Ngatimutunga	Tokekure	E. Ru	5	3	2			
		Poterangi	Kohika	5	6	6			
	Puketapu	Marutangata	Kotekamotakirau	6	2	2			
		Vessel	Te Ponga	20	21	1			
	Ngatirahiri	Kairuru	Te Nirihana	9	5	5			
							45	18	16
		Mohia	Ko Ongiongi	7	8	2			
		Karuruketerangi	Tutawa	9	7	1			
		Kiriorakau	Areno	9	8	5			
		Kakauiwa	Governor Grey	4	3	1			
		Kaikaka	Nicodemus	6	3	3			
		Boat Kaitonu	Tekahinga	6	5	2			
							41	34	14
		Wakarangi	Te Kaokao	13	7	4			
							13	7	4
		Total North of Waitara		—	—	—	109	66	36
At Waitara	Manukorihi,	Taupaki	Te Heke	4	4	1			
		Piritahataha	Maika	5	2	2			
		Maroro	Tararua	6	5	3			
		Wikitoria	Enoka	5	4	4			
		Marohopa	Tamati	5	3	1			
		Oropi	Te Rangui	6	7	6			
		Tipapa	Koane	3	3	5			
		Taiarora	E. Kaumu	5	1	—			
		Taumamata	E. Pero	6	5	4			
		Kaupahanui	William King	3	8	3			
		Konenuku	Maruiratimutu	6	4	4			
		Ko E Au	Puko Pomate	4	1	1			
		Konotekateka	W. Robert Taupingi	4	1	—			
		Apupu	Panua	2	2	3			
		Maketu	Takaratahi	3	3	1			
		Pukawa	Kewai Tumihaka	4	3	1			
		Heuheu	Hapimana	3	2	2			
		Hupipaipa	Wirihana	3	2	3			
		Rauparaha	Ihaia te Waripa	3	3	4			
		Aratotara	Heke	5	10	3			
		Boat	Te Teira	2	2	3			
		Boat Louisa	Kawiri	3	4	2			
		Boat Prince Albt.	Albert	3	5	2			
	and Taranaki	Tamakaikau	Ramera	2	1	—			
		On Horses		20	1	—			
		Total at Waitara		—	—	—	115	91	58
Between Waitara and New Plymouth	Puketapu	Wakaane	Martin Luther	9	4	4			
		Okatarewa	Patikita	6	3	1			
		Pawakawa	Henry	6	4	4			
		Total between Waitara and New Plymouth		—	—	—	21	11	9
South of New Plymouth.	Taranaki	Kekenui	Horopapera	5	3	—			
		Ruapairoa	O. Hua	5	6	—			
		Maratuahu	Haia	4	4	3			
		Te Naru	Petua	4	3	3			
	Ngatiruanui	Harawangi	Herewene	3	4	4			
							21	20	10
		Te Raho	Paura	2	2	2			
		Tu Puruatainui	Reweti	3	3	3			
		Rongotekateka	Orumene	2	2	1			
							7	7	6
		Total south of New Plymouth		—	—	—	28	27	16
		Total Natives removing to Taranaki		—	—	—	273	195	119

SUMMARY:—

North of Waitara	109	66	36
At Waitara	115	91	58
Between Waitara and New Plymouth	21	11	9
South of New Plymouth	28	27	16
Total	273	195	119

GENERAL TOTAL.

Men	273
Women	195
Children	119
Total	587

DONALD M'LEAN.

NEW ZEALAND.

Appendix.

No. 21.—REPORT from District Commissioner COOPER, dated August 8th, 1854.

Land Purchase Office, Taranaki,
August 8th, 1854.

SIR,

IT is my painful duty to report to you the occurrence of a fatal affray amongst the natives of the Puketapu tribe, which took place on the 3rd instant, resulting in the death of Rawiri Waiaua and four other chiefs, with other casualties, as per inclosed list.

2. The circumstances which led to this melancholy event are as follows:—In consequence of the destruction by Topia, one of Katatore's people, of a field of wheat which had recently been sown by Rawiri on his own land, which he had cultivated for several years, the latter determined to offer for sale the block of land contained between the eastern boundary of the block conveyed by the Wellington deed of January last, and the Hua boundary as paid for here in March, and which was excepted from the Hua purchase in consequence of Katatore's opposition, and by the advice of Rawiri himself. In making the offer, Rawiri was supported by his brother Paora, by Ihaka Kauri, Matui Te Huia, Paora Houpunga, Taituha senior, Taituha Ngata, Tamati Waka Te Haena, and several other chiefs. I accepted their offer, conditionally on the boundary line being cut, which Rawiri unhesitatingly undertook to do, relying upon his rank and relationship with the opposing party as sufficient guarantee against extreme measures on their part. After two days' consultation, it was determined that the survey should commence on Thursday, the 3rd instant, when I was to meet them on the ground, accompanied by a surveyor.

3. From information subsequently received, it appears that Rawiri's party, numbering 26 men, went out out unarmed on the morning in question at 7 a.m., and on reaching a spot called Tarurutangi, found Katatore's party, to the number of 28 armed men, awaiting their arrival, when the collision took place which led to such unhappy results.

The enclosed documents supply all the details.

4. Arrangements were made as quickly as possible to render such assistance to the wounded as circumstances would admit of. Five men were conveyed to the hospital. Paora's case being quite hopeless, nothing could be done for him, as he could not bear removal. Rawiri, unfortunately, could not be removed that day, the natives being in too great a state of excitement to be of any service, and the majority of the settlers of the Bell block being afraid to render any assistance in his last extremity even to him to whom they owe their possessions, lest by doing so they should incur the displeasure of the opposite party. All, therefore, that could be done for him was to have a tent constructed over him, and to render him such surgical aid as time and circumstances would permit.

5. The news of the encounter quickly spread amongst the natives, and by noon an armed party of about 70 had collected from the Hua and Tairutu. These men first visited the Kaipakopako, and fired a volley into the Pa, after which they adjourned to the scene of the encounter, where they interred their dead, and encamped for the night.

6. The next morning (Friday), Paora expired at 7 A.M., and after his interment, Rawiri was conveyed in a litter to the hospital, where everything was done that medical skill could suggest for his relief, but without avail, and he expired at 1·33 A.M. on the 6th instant, having suffered considerably throughout. The rest of the wounded men are, I am happy to say, doing well.

7. The Rev. Mr. Turton visited the Kaipakopako Pa on the 5th instant, and the result of his conference with Katatore is detailed in the enclosed memorandum.

8. In consequence of the positive statement of Katatore, that he would fire upon any party who should attempt to bury Rawiri's body with the others, Mr. Turton and I endeavoured to persuade the Hua and Tairutu natives to bury him either with his father, Horotatua, or in the town. We, however, found him determined to carry out his last wishes, by interring him by the side of his relatives. Accordingly, on the 7th instant, the body was taken from the hospital by a large party of natives, and carried to the Hua, where the funeral service was read by Mr. Turton, and the party then moved on to the cross roads in the Bell block, near Te Uira, where they were met by the Tairutu people, under Tamati Waka, who had also been joined by a party under Karipa, who had that day withdrawn from Katatore's Pa. Thence the natives proceeded in a body of about 120 to Tarutangi, where, without molestation, they interred the body of their chief along with the other victims of the affray, firing a volley over the grave as a signal that they had carried their determination into effect. Mr. Turton, who had proceeded in advance to the Kaipakopako, subsequently informed me that Katatore had given up the idea of opposing the interment of Rawiri, being in fact completed daunted by the strength of the other party, and his fears for the result of affairs to himself personally.

9. It is impossible at present to say to what these occurrences may eventually lead, but whatever may be the ultimate result, I am happy to say that hitherto the Europeans are entirely free from any participation in them; so strictly has the policy of non-interference been hitherto carried out, that although the Hua natives are known to be very indifferently armed, and almost destitute of ammunition, their application for assistance was steadily refused by the magistrates. The whole of the Ngamotu natives (with the exception of Hone Rophiha Te Kekeu and his adherents, who have joined with Puketapu) have determined to maintain a strict neutrality, unless their own safety or that of the settlers should be menaced.

10. With regard to the Puketapu natives, they are at present in a state of great excitement, and will, I have no doubt, take the first opportunity that may offer of wreaking their vengeance on Katatore's party. In this they appear to look for support from their relatives in Cook's Straits. They have placed a tapu on the Northern road, excepting as regards Europeans or Her Majesty's mails—their arrangements being that Tamati Waka shall stop all access to the town by the beach, while the Hua natives are to block up the passage by the Devon road.

11. The Waiongana and Waitara natives are at present holding aloof, and, from all I can learn, intend to continue so, unless the quarrel be taken up by the Government, when they will regard the

affair as a general land question. In this event, Katatore will be looked upon as the leader of the opposition, and be joined by all the tribes who are averse to the sale of land to the Europeans.

12. On referring to the memorandum which forms Enclosure No. 7 to this Despatch, it will be seen that Katatore requested Mr. Turton to convey to me an offer to sell to the Government the piece containing about 300 acres, lying between the inland boundary of the Bell block and the Mangoraka river. Of this offer I have as yet taken no notice, nor shall I do so until I am favoured with your instructions upon the point, as it appears to me intended merely as a peace-offering, in the hope that its acceptance by the Government might be looked upon as an atonement for the blood he has shed.

I have, &c.
G. S. Cooper,
District Commissioner.

Mr. Commissioner McLean,
&c. &c.
Auckland.

No. 22.—Report from Native Secretary, dated 27th January 1855.

Sir, Auckland, January 27, 1855.

I have the honour to report, for the information of his Excellency the Officer administering the Government, that, in accordance with the instructions communicated on the 27th ultimo, I proceeded to Taranaki on that day per steamer Nelson.

2. On my arrival at Taranaki on the afternoon of the 28th ultimo, I found everything quiet, but there was evidently an unsettled feeling amongst the native population from the fact of their going about their occupations with arms in their hands, and from their commencing to put their pahs in fighting order.

3. From inquiry, I found that the first affray, in which Rawiri, the native assessor, one of the most respected natives of the Puketapu tribe, and six others by Katatore, partly arose from Rawiri attempting to cut the boundary of a piece of land which he had offered for sale to Mr. G. Cooper, the land commissioner of the Taranaki district. It appears that Katatore had long ago stated his intention of retaining this land, and had threatened to oppose any one who should offer to sell it; Rawiri, however, on account of some quarrel with Katatore, proposed selling the land, and was desired by Mr. Cooper to cut the boundary.

Rawiri proceeded accordingly with 22 others, on the morning of the 3rd August last, and had succeeded in cutting some part of the boundary line, when Katatore and party rushed down from his pah, and after warning Rawiri twice without effect to desist, fired and killed him and six others, four were severely wounded and four slightly wounded.

4. With regard to the second affray, it originated in the following cause: I hear a native assessor had reason to suspect that his wife had been guilty of adultery with a young man named Rimene, belonging to the Ngatiruanui tribe, residing between Cape Egmont and Wanganui; and on receiving further proof by the confession of Rimene, he had directed him to be shot by a young man named Hori, who immediately proceeded to where Rimene was sitting, and deliberately killed him by a shot in the breast. Information of this act having been sent to the Ngatiruanui, they assembled on the 20th December to the amount of 380 armed men, and made an assault on Ihaia's pah at Manuka, on the Waitera river, about 11 miles from the town of New Plymouth. Ihaia made an able defence, but being hard pressed, some of the Puketapu tribe made a diversion in his favour, and succeeded in covering his retreat to a pah named Mahoetahi, some miles nearer to the settlement. On this occasion Ihaia's party had six killed and five wounded, the Ngatiruanui five killed and ten wounded.

On the 22nd the Ngatiruanui appeared disposed to renew the fight, but finally came to the determination of returning to their homes. A fresh matter, however, arose which for some time threatened to embroil the Puketapu and other natives of the district with the Ngatiruanui. It was the expressed determination of the latter to return homewards coastwise, through the settlement of Taranaki; this intention was, however, eventually abandoned, and on the 25th the whole party set off on their march homeward by the mountain road through the bush at the back of Mount Egmont, carefully avoiding any encroachment on the boundaries of the settlement. Indeed, so cautious were they of interfering with the settlers, that a considerable amount of property in goods and money belonging to an inhabitant of the town of New Plymouth, which happened to be in a house close to the pah of Ihaia, was carefully and scrupulously removed by the Ngatiruanui before going into action.

5. From all I can hear, this last affair may be considered as settled, as the loss has been pretty nearly balanced, and Ihaia and his party have gone back to their pah at Manuka; but with regard to the first, I fear that further bloodshed may be expected, and as unfortunately it has arisen about a land question, Katatore will have all the sympathy of those who are opposed to the sale of land. The relations and friends ef the deceased chief Rawiri, who are principally resident within the settlement, and who are called the friendly natives, as being in favour of sale of land, are determined to have revenge for the death of their people.

6. The interference of the Government is vehemently called for by Rawiri's friends, who are the weaker party, and who are loud in their demands for arms and ammunition and also for troops. On the contrary, the opposite party are as anxious that the Government should not interfere in the matter at all.

7. I do not think that any danger is to be apprehended to the colonists and the settlement from these native disturbances, so long as the Government and colonists abstain from interference. The natives of Rawiri's party would no doubt try to involve the Government in the quarrel, but I think the other party would be careful not to interfere with the settlement, as by so doing they would throw a preponderance into the hands of their opponents, if the Government were compelled to interfere, independently of which natives are very averse to giving the first cause of quarrel.

8. The active and armed interference of the Government in these native quarrels would, I fear, be fatal to the prosperity of the settlement for some time to come, as the outsettlers would be compelled to concentrate themselves in town for the protection of their wives and families, and their properties in the meantime would go to ruin. * * * *

I have, &c.
C. L. Nugent,
Native Secretary.

No. 23.—Report from Assistant Native Secretary Halse to the Native Secretary, dated January 11, 1858.

Sir, New Plymouth, January 11, 1858.

I have to report to you that Katatore was killed last Saturday under very atrocious circumstances. On his return from town towards sundown with three natives, named in the margin, all on horseback, he was waylaid by Tamati Tiraurau and a party of five natives (four Ngatirahiris and one belonging to Mahoetahi) on one of the main roads of the Bell district, and shot. His relative Rawiri Karira fell at the first volley, and was literally hacked to pieces.

Tamihana pushed on, but Katatore dismounted, and whilst leading his horse away up the cross road towards the Huira, was overtaken and pierced with several bullets, then beaten about the head with the discharged guns (three of which were broken over him), and finally mangled with tomahawks. * * * *

The plans laid for Katatore's death were Ihaia's, as he has admitted to Mr. Parris; but they were so well kept by the natives concerned that nothing was known of them until they were effected. Even Katatore, who received a warning on the road from Mr. Hollis, who had observed armed natives remaining in one spot, had no thought of being attacked. Ihaia was observed watching him about town during the day under an assumed desire for a reconciliation, and he followed him out of town. I am of opinion that the attack must have been meditated for some time, as on the first occasion of his moving out unarmed, he has been killed. It may be attributed partly to revenge for Rawari Waiaua's death, and jealousy that Katatore, after all their efforts to punish him for it, should be in a position to offer land for sale, when Ihaia's offer was rejected.

I am quite unable to venture an opinion on the probable consequences of this unfortunate business. I fear it will lead to serious native troubles. Wiremu Kingi, of Waitara, occupied the Tima pah yesterday, and will aid the Kaipakopako natives. The latter intend to attack the Ikamoana at once, rather than remain prisoners in their own pah. Hone Ropiha, the assessor, met Katatore in town on Saturday, and was quite ignorant of Ihaia's plan.

In conclusion, I deem it my duty to observe that Tamati Tiraurau, who resides in a well-furnished wooden house in town, remarkable for his intelligence and extensive mercantile transactions with the settlers, was especially prominent for his ferocity in this attack. He dragged Rawiri off his horse when mortally wounded by the first volley, and seizing him by the hair of his head, with the most fiendish gesticulations, as witnessed by two of the Bell Block settlers, first hacked his body and then his head and face to pieces. * * * *

I have, &c.
Henry Halse.

The Native Secretary,
&c. &c.

No. 24.—Extracts from Despatch from Governor Gore Browne, C.B., to the Secretary of State, dated February 15, 1858.

Sir, Government House, Auckland, February 15, 1858.

The documents which I have the honour to forward with this dispatch will give you full information of what has taken place at and in reference to New Plymouth since the date of my last despatch. * * *

If the natives were permitted to fight with each other on the farms of the settlers, the latter would, sooner or later, become entangled in the quarrel, and as soon as blood was shed war would be inevitable. I have therefore thought it necessary (an opinion in which my Executive Council concur) for the honour of Her Majesty's Government and for the safety of the inhabitants, to issue a proclamation declaring that all persons whosoever who shall unlawfully assemble with arms within the boundaries of the district described in the Schedule to the Proclamation, will, without further notice, be treated as persons in arms against the Queen's authority, and active measures will be forthwith taken against them by Her Majesty's civil authorities and military forces.

I have, &c.
T. Gore Browne.

The Right Hon. Sir E. B. Lytton,
&c. &c. &c.

No. 25.—Proclamation by the Governor, February 12, 1858.

By His Excellency Colonel Thomas Gore Browne, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over Her Majesty's Colony of New Zealand, and Vice-Admiral of the same, &c. &c.

Whereas conflicts between armed parties of aboriginal natives have taken place at New Plymouth, to the danger and alarm of Her Majesty's subjects who are engaged in their lawful occupations:

Now, therefore, I, the Governor of New Zealand, do hereby proclaim and declare that all persons whosoever who shall unlawfully assemble with arms within the boundaries of the district described

within the Schedule to this Proclamation, will, without further notice, be treated as persons in arms against the Queen's authority, and active measures will be forthwith taken against them by Her Majesty's civil authorities and military forces.

Given under my hand, and issued under the public seal of the colony of New Zealand, at Government House, at Auckland, this 12th day of February, in the year of our Lord One thousand eight hundred and fifty-eight.

By His Excellency's command,
E. W. Stafford.

THOMAS GORE BROWNE.

GOD SAVE THE QUEEN.

SCHEDULE.

Boundaries of the District above referred to.

Commencing on the sea-coast between the Waitaha and Puketapu streams at the northern termination of the eastern boundary of the Bell block, thence along the said eastern boundary to Otuwetaweta, on the Devon Road, which it crosses; thence following the said boundary to Wakapirikaka, Te Pui o Te Rangi, Te Matai, and Rarongia; thence along the southern boundary of the said block to Te Putatutonga, on the eastern boundary of the Hua block; thence along the eastern boundary line of that block until it meets the Mangoraka river; thence along the left bank of that river to its source; thence to the south-west corner of the Omata block; thence along the western boundary of the Omata block until it reaches the sea at Okurukuru; thence along low-water mark to where the eastern boundary line commences between the Waitaha and Puketapu streams.

No. 26.—EXTRACTS from PETITION of the PROVINCIAL COUNCIL of NEW PLYMOUTH to the Hon. HOUSE of REPRESENTATIVES, dated 19th May 1858.

The native feud which has for the last four years been raging in Taranaki originated in the attempt of Rawiri Waiaua, a native assessor and the principal chief of his tribe, to sell a piece of land to the Government, which had been a cause of quarrel between himself and one of his relatives. Katatore, an inferior chief of the same tribe, and a minor claimant, was unwilling that the land should be sold, and on Rawiri proceeding to mark out the boundary for the Government he and several of his followers were shot down by Katatore and his adherents. It was the first blood that had been shed among the natives since the arrival of the settlers. The local authorities were paralysed, for they were too feeble to apprehend the murderers; but the surviving relatives and friends of Rawiri assembled in arms, and would have proceeded to immediate hostilities had they not been dissuaded from taking such a step by the resident Wesleyan missionary, who assured them that British law would be enforced. Unhappily at this crisis his Excellency Colonel Wynyard, the Officer administering the Government of the Colony, was daily awaiting the arrival of a permanent Governor. The first General Assembly under the Constitution Act was in session, and the whole machinery of Government was in a state of transition. The Government of the day decided not to act, and despatched Mr. Commissioner McLean to inform the natives that the murder was the result of a native quarrel in which the Government could not interfere. The friends of Rawiri, burning for revenge and finding that the law was not to be enforced, expressed great indignation, because the interval which had elapsed had enabled Katatore to secure himself in a strong pah, and to assemble around him a number of men hostile to the sale of land. The friendly natives justly urged that they were friendly to the settlers, that they had conformed to our law in not taking revenge for their slain relatives, and that now they must either submit to the dictation of Katatore or contest with him unassisted by the Government, a cause in which the colonists and themselves were equally concerned. They urged, moreover, that such had been their reliance on the justice and power of the Government that they had ceased to reckon on their own strength, they had allowed their guns to rust, and possessed but a scanty store of powder and ball, while their opponents, who had always been hostile to British occupation, were well armed and munitioned, and their ultimate and least demand was, that they should be supplied with the means of opposing their enemies.

While your Memorialists admit that the critical position of the Settlement in 1854 demanded the utmost circumspection on the part of the Government, they are nevertheless of opinion that the enforcement of the law against Katatore and his followers would have been as wise and prudent as it would have been a just act.

The history of the past four years has shown forcibly the lamentable results of a contrary policy. Relieved from all dread of the interference of Government, the wild passions of the natives at once found vent. Three months after the murder of Rawiri, some of the relatives of Ihaia te Kiri Kumara executed summary justice on a Ngatiruanui native who had been guilty of adultery with Ihaia's wife, and this act was speedily followed by the invasion of Ihaia's land by 300 men of that tribe. Ihaia's pa was stormed and taken after a stout resistance, and Ihaia and his surviving followers were only saved by a friendly diversion effected by the adherents of Rawiri. The Ngatiruanui, after their victory, visited Katatore, and remained in the vicinity of his pa for some days, but, happily for the peace of the settlement, they decided on returning to their homes by the way they had come, instead of marching through the town as they had at one time contemplated. In the meantime, the feud between the friendly natives and Katatore hourly gained strength. Arama Karaka, the brother of Rawiri, arrived from the South, and assembled in the Ninia pa all the natives in the vicinity who advocated the sale of land, while Katatore was joined by Wiremu Kingi, and subsequently by the Ngatiruanui. It was at this time that the danger of the settlement became imminent, for the mass of the settlers were known to sympathize with the friendly natives besieged in the Ninia pa, and many

of them were supplying the besieged with munitions of war. It was also at this time that, at the pressing instance of the settlers and the Provincial Government, a garrison was first stationed in Taranaki. By the arrival of the Ngatiruanui the friendly natives besieged in the Ninia were reduced to severe straits, and Arama Karaka besought the aid of Ihaia, which was given on the condition that the latter should receive the land at Ikamaona as the reward of his services. Shortly after a battle took place between the Ngatiruanui on the one side, and the Ninia natives and Ihaia on the other, which terminated in the defeat and retirement of the former.

After the departure of the Ngatiruanui, the belligerents, exhausted by a long continuance of hostilities, were anxious to terminate the feud, and in a short time peace was apparently established, but the elements of discord still existed to burst forth again with renewed vigour. Ihaia held the land at Ikamoana (the price of his assistance to the Ninia people), but his claim was not assented to by Katatore, for the land in question was the common property of the tribe, and Katatore, himself a claimant, was at war with the majority when the cession was made. After the establishment of this hollow peace, Katatore, who for many years had maintained his influence by opposing the sale of land, suddenly changed his policy and became a most enthusiastic advocate on the other side. He at once took the foremost place in the consideration of the Government, while the men who had only remained consistent were thrust aside for the new man, and the negotiations for the purchase of land which ensued immediately on the establishment of peace, depended mainly on the influence of Katatore. Ihaia still held the land at Ikamoana. His position had not been considered in the peace made by the Puketapu family, and his war flag still flew from the pa. Several of the Ninia people who had been adherents of Rawiri, and had fought side by side with Ihaia, now conceived the infamous project of destroying by the same blow, Katatore, who had slain their relatives, and Ihaia, who had rescued them from imminent danger. They induced Ihaia to join with them in a conspiracy for the assassination of Katatore, and after the perpetration of the deed rose in arms against him. Ihaia, betrayed by his associates, maintained himself in his pa at Ikamoana for some time, but at length retreated to the home of his people at Waitara, where he was immediately besieged in the Karaka pa by the followers of Katatore, by his associates in the murder, by Wiremu Kingi, and many of the Taranaki and Ngatiruanui tribes. The number of his opponents may be rudely estimated at 500 men, and the immediate supporters of Ihaia at about 100. Ihaia, in his hour of danger, besought the aid of his allies in Waikato and Upper Whanganui, and many bodies from those distant places have reached Waitara. Some of these people have merely endeavoured to effect a peace between the contending parties, in the interest of Ihaia, but Wiremu te Korowhiti, a Whanganui chief, is now involved in the feud by the death of a relative who was shot by Ihaia's opponents. Ihaia has been recommended by his allies from Whanganui and Waikato to secure himself by a retreat to either of those countries, but he has refused to abandon his land. Emissaries from Potatau have likewise assailed him with importunities, but he has refused to listen to them, and says he will still rely on the justice of the Government, and is supported by the sympathy of the settlers.

A short time since, when the position of Ihaia seemed desperate, and when his principal opponent, Wiremu Kingi, had evinced a determination to slaughter, without regard to sex or age, the inmates of the Karaka pa, a memorial was addressed to his Excellency the Governor, praying him to rescue these unfortunate people. That memorial was responded to by the offer to remove Ihaia with his followers to the Chatham Islands, which was at once refused, for Ihaia could at any time have secured his safety by retreat to Waikato or Whanganui.

It cannot be a matter of wonder to your Honourable House that your Memorialists and the settlers have always evinced a deep interest for the welfare of those natives who, by their efforts to sell land, have been plunged into a harassing war, and have been refused the assistance of the Government. Every act of the Government has hitherto been prejudicial to them, and, had they not been upheld by the sympathy of the settlers, they would in all probability have long since succumbed to the power and the arts of their opponents; and the two bodies, united by the common feeling of race, and embittered by the mutual losses they had sustained, would have sought satisfaction by despoiling the settlers.

Ihaia, the chief now besieged in the Karaka pa, has always had most intimate relations with the settlers, and his friendly honest character has even gained him a foremost place in their esteem. His claims to land at Waitara are considerable, and at a time when other natives looked with no friendly eye on the progress of the colonists, he made the most strenuous exertions to locate settlers at Waitara; but he failed to secure the co-operation of Sir George Grey's and subsequent Governments. If at any time Ihaia had evinced hostility to the wishes of the Government, he has always been actuated by a sincere desire to serve what he thought to be the cause of the settlers. So careful has he been to avoid injuring the settlers, that during the late contest at Ikamoana, when his adversaries posted themselves on a settler's farm, and surprised him and his followers as they passed along the road, he received their fire and refused to return it until he had retreated out of gunshot of the farm, and thereby lost one of his followers. Your Memorialists have no wish to palliate the crime of which Ihaia has been guilty, but when they consider the circumstances which preceded the lawless act, and that it only took place after the Government had for years abandoned all control over the natives, they cannot but express their opinion that the crime is in some measure shared by the more civilized race which compelled a rude people to return to their barbarous customs."

* * * *

E. L. Humphries,
Speaker.

New Plymouth, 19th May 1858.

Appendix No. 2.

Papers relative to the Native Insurrection.

No. 1.—INSTRUCTIONS to DISTRICT LAND PURCHASE COMMISSIONER relative to PURCHASE of LAND from the NATIVES at TARANAKI, dated Chief Land Commisssioner's Office, Auckland, August 26, 1857, will be found printed at page 77.

No. 2.—COPY of a LETTER from TE TEIRA and RETIMANA to his Excellency the GOVERNOR.

Te Hurirapa, March 15, 1859.

Go thou, my loving letter, to the Governor, to Mr. McLean, Mr. Cutfield, and to Mr. Parris.

Salutations to you all.

I have received, and am greatly pleased with, the copy of the Governor's address.

Friend, it is true I have given up Waitara to you; you were pleased with my words, I was pleased with your words.

It is a piece of land belonging to Retimana and myself, if you are disposed to buy it never mind if it is only sufficient for three or four tents to stand upon, let your authority settle on it, lest you should forget your child Teira: but my regard towards you shall not cease as long as I live; it rests with the Almighty to preserve the body and the soul. You are the strong pa to protect the orphan, the widow, and the poor throughout life.

Let other natives occasion evil respecting land, and give it hands. Those natives who are obstinate about the sale of land are seeking destruction; but those who wish to live by the Word of God, seek life everlasting, therefore I say to them, pass from death to life, never mind false notions, but consider the great sacrifice made for us by Christ, the Lamb, who knew no sin.

Go straight, this letter, to your father, Governor Browne,—to your father now here, and who will preserve you.

From TE TEIRA and RETIMANA.

No. 3.—COPY of a LETTER from TE TEIRA and RETIMANA to his Excellency the GOVERNOR.

Te Hurirapa, March 20, 1859.

Go, this letter of love, to my father, Governor Browne, to Mr. McLean, Mr. Parris, Mr. Halse, and Mr. Cutfield.

Salutation to you.

I am endeavouring to find out the justice of the interference of the people with our (himself and Richmond) love to you. Your word advising them to mark off their own pieces of land within our line (boundary of the block offered by Teira) they have received, but they do not consent. I consent because it is correct. The advice comes from a healthy source. Be stout-hearted, and move quickly in what you intend to do. Consider also you are the beginner and finisher of what is to be done. If they continue to oppose us, how will you act? But see for yourselves personally how they are likely to act; if they persist, adopt a safe plan for finishing it, and for us. You see their interference with other men's rights. This word of mine is a sign for the living: my thoughts are, that they think by their anger to prevent marriage, and to reject the food prepared by God; but this I will explain to you, if you come to-morrow (Monday).

Be mild and collected; if they use bad language pay them with the word of God.

From TE TEIRA and RETIMANA.

No. 4.—ASSISTANT NATIVE SECRETARY to Mr. PARRIS.

Chief Land Purchase Commissioner's Office,
Auckland, March 29th, 1859.

SIR,

WITH reference to a letter from Te Teira and Retimana, addressed to his Excellency the Governor, and dated the 20th instant, with the contents of which you are acquainted, I have the honour, by direction of his Excellency the Governor, to request that you will visit Te Teira in person, for the purpose of conferring with him on the subject of his communication.

I have, &c.
T. H. SMITH.

R. Parris, Esq.
District Commissioner,
Taranaki.

No. 5.—ASSISTANT NATIVE SECRETARY to Mr. PARRIS.

Chief Land Purchase Commissioner's Office,
Auckland, April 2, 1859.

SIR,

I HAVE the honour to enclose herewith, for your information and perusal, two open letters addressed to Te Teira and Wiremu Kingi on the subject of the offer by the former of his land at Waitara, and to request that you will be good enough to seal and forward them as addressed.

I have, &c.
For the Chief Commissioner,
(Signed) THOS. H. SMITH.

R. Parris, Esq., J.P.,
District Commissioner,
Taranaki.

(Enclosure 1 in No. 5.)

ASSISTANT NATIVE SECRETARY to TE TEIRA.

FRIEND TE TEIRA, Auckland, April 2, 1859.

SALUTATIONS to you. Your letter of the 15th day of this month has been received relative to the land which you offer for sale. The Governor consents to your word, that is, as regards your own individual piece, but be careful that your boundary does not encroach upon the land of any person who objects to sell, that is, let it not be included within the boundaries of that land which you publicly offered to the Governor in the presence of the meeting held on the 8th day of March, but consent will be given to the purchase of land that belongs to yourself.

From yours, &c.
(Signed) TE METE (T. H. SMITH.)

To Te Teira, Taranaki.

(Enclosure 2 in No. 5.)

ASSISTANT NATIVE SECRETARY to WIREMU KINGI.

FRIEND WIREMU KINGI, Auckland, April 2, 1859.

SALUTATIONS to you. Word has come from Te Teira offering for sale his piece of land at Waitara. The Governor has consented to his word, that is, as regards his own individual piece, not that which belongs to any other persons. The Governor's rule is, for each man to have the word (or say) as regards his own land; that of a man who has no claim will not be listened to. This is merely written to let you know the word of the Governor in answer to Te Teira's and Te Retimana's letter.

From, &c.
(Signed) TE METE (T. H. SMITH.)

To Wiremu Kingi, Taranaki.

No. 6.—Mr. PARRIS to ASSISTANT NATIVE SECRETARY.

Land Purchase Office,
New Plymouth, April 23, 1859.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 2nd instant, enclosing one for Te Teira and one for William King of Waitara, which I forwarded in due course, and the following day I received Te Teira's reply, which I have the honour herewith to transmit for the information of his Excellency's Government.

With respect to the allusions about the letter to King Potatau, I beg to report that the last mail from the North brought information that an anonymous letter had been sent to Waikato purporting to offer the land from the European boundary to the Maori King, and that an anonymous letter was to be sent in reply, which has not yet been received.

I have, &c.
(Signed) ROBERT PARRIS,
District Commissioner.

T. H. Smith, Esq., J.P.,
Assistant Native Secretary, &c., &c.,
Auckland.

(Enclosure in No. 6.)

TE TEIRA to the GOVERNOR.

Hurirapa, Waitara, April 20, 1859.

Go, this letter of love, to the Governor.

Your letter to myself and Richmond we have received. The land that I and Richmond consented for you to have, belongs to myself, Richmond, Hemi Watakingi, Paranihi, Rawiri, my father Thomas and Nopera. It belongs to all of us, the land that we two consented to, the seven consent to our offering it to you; it is our land from our ancestors, and therefore we consent rightly for you to have it. I am not rashly interfering with other people's land, the land is ours, and therefore we were right in giving it to you on the 8th of March near Mr. Parris's house, in the presence of a Council of 158, who heard me consent for you to have it. Do not listen to the words of others, but look to us seven. The thought was mine and Richmond's to sell to you.

Mr. Parris is holding us back for the movement for peace with Ihaia and his people. I tell him not to do so, but that he and the Governor should settle it at once. Mr. Parris says, wait until Ihaia and William King have made friends. If peace should not be agreed upon, what will you do? Pay us, because there is a letter sent to the King about the piece of land I and Richmond have offered you and Mr. McLean, and therefore I say pay us.

From your loving child,
TEIRA, also
RICHMOND,
HEMI, and
PARANIHI.

To our loving Father the Governor,
and Mr. Smith.

I have a word to say to you about a summons for our land which I and Richmond gave you and Mr. McLean The Councillors of Wiremu Kingi Witi Rangitake have sent a letter to King Potatau to prevent the sale of it. I tell them it is no good, I shall do as I think with my land. I think favourably of the Governor, Mr. McLean, Mr. Parris, and Mr. Cutfield for my land. Look towards me, and do not turn from your child Teira, from his true word to God and to the Governor.

No. 7.—WIREMU KINGI to the GOVERNOR.

Waitara, April 25, 1859.

FRIEND,

SALUTATIONS to you. Your letter has reached me about Te Teira's and Te Retimana's thoughts. I will not agree to our bedroom being sold (I mean Waitara here), for this bed belongs to the whole of us; and do not you be in haste to give the money. Do you hearken to my word. If you give the money secretly, you will get no land for it. You may insist, but I will never agree to it. Do not suppose that this is nonsense on my part; no it is true, for it is an old word; and now I have no new proposal to make, either as regards selling or anything else. All I have to say to you, O Governor, is that none of this land will be given to you, never, never, not till I die.

I have heard it said that I am to be imprisoned because of this land. I am very sad because of this word. Why is it? You should remember that the Maories and Pakehas are living quietly upon their pieces of land, and therefore do not you disturb them. Do not say also that there is no one so bad as myself.

This is another word to you, O Governor. The land will never, never be given to you, not till death. Do not be anxious for men's thoughts. This is all I have to say to you.

From your loving friend,

WIREMU KINGI WHITI.

To his Excellency the Governor,
Auckland.

No. 8.—Mr. PARRIS to ASSISTANT NATIVE SECRETARY.

Land Purchase Office, New Plymouth,
May 23, 1859.

SIR,

I HAVE the honour herewith to transmit a letter from Te Teira and others of Waitara to his Excellency the Governor.

I beg to state that I have not taken any steps in this matter with Wm. King and his people, on account of the meetings they have been holding, for the question of a General peace, which I considered it would not be prudent to interrupt.

The result of their meetings so far, has been satisfactory for the people south of Waitara, for the feeling of enmity which has existed for many years, appears to be removed; but as yet Wm. King refuses to extend it to Nikorima and Ihaia, although many of his people are anxious that it should be, and are urging it upon him.

Te Teira and his party are growing very restless, particularly since the news of the purchase of Waitotara.

I have, &c.,

(Signed) ROBERT PARRIS,
District Commissioner.

T. H. Smith, Esq., J.P.,
Assistant Native Secretary, Auckland.

(Enclosure in No. 8.)

TE TEIRA and others to the GOVERNOR.

Hurirapa, May 23, 1859.

Go, this letter of love, to Governor Browne.

Salutations to you. Listen to our words. I am pressing Mr. Parris to settle our question for Waitara. You consent to our words to you for our piece of land at Waitara, which we consented to give to you, Mr. McLean and Mr. Parris. Our thoughts are, that you should shorten our work, and pay us for our piece of land at Waitara, because, if it is prolonged, it will be the same as a female forsaken by her lover. But marry, then we shall sleep properly upon the sacred law of God.

From TEIRA, RAWIRI,
HEMI, TAMATI,
RITIMANA, NOPERA.
PARANIHI,

No. 9.—ASSISTANT NATIVE SECRETARY to Mr. PARRIS.

Chief Land Purchase Commissioner's Office, Auckland,
May 27, 1859.

SIR,

I HAVE the honour to acknowledge the receipt of your letters of the 18th and 23rd ultimo, enclosing communications from Te Teira, who has been informed that his letters will be brought under the notice of his Excellency the Governor on his return from the South.

I have, &c.

(Signed) T. H. SMITH.

R. Parris, Esq.,
District Commissioner, Taranaki.

NEW ZEALAND.

Appendix.

No. 10.—Assistant Native Secretary to District Commissioner, Taranaki.

Native Land Purchase Commissioner's Office,
Auckland, July 19, 1859.

SIR,

I HAVE the honour, by direction of his Excellency the Governor, to forward to you, open, the enclosed letter to Te Teira on the subject of the land offered by him at Waitara, which, having perused, you will have the goodness to hand to Te Teira.

I have, &c.
(Signed) THOS. H. SMITH.

District Commissioner, Taranaki.

(Enclosure in No. 10.)

Assistant Native Secretary to Te Teira.

FRIEND TE TEIRA, Auckland, July 19, 1859.

Salutations. Your letter of the 30th May has been received relative to the land at Waitara, which you offer for sale.

The Governor says that you had better apply to Mr. Parris, to the person appointed by the Governor to purchase land in that district; it is for him to arrange the terms and other matters relative to land offered to the Government, the Governor merely accepts or rejects the offer. In this case the Governor has agreed to take the land; be under no apprehension, therefore, the Governor's word will be kept, although the matter may not be arranged in a day. The Governor still keeps it in mind, he will neither forget nor alter. The Governor is in favour of the land being purchased; but the best thing, in his estimation, is for peace to be preserved at Taranaki.

The arrangement of what you mentioned will not be delayed.

From your friend,
(Signed) NA TE METE (THOS. H. SMITH).

To Te Teira, at Taranaki.

No. 11.—Assistant Native Secretary to Mr. Parris.

Native Land Purchase Department,
Auckland, September 27, 1859.

SIR,

WITH reference to the offer to the Government by Te Teira and others of a block of land on the south bank of the Waitara river, I have the honour, by direction of the Governor, to convey to you his Excellency's authority to make an immediate advance in part payment for the land referred to, should you be able to satisfy yourself that the parties offering it have an indisputable title. You will, however, inform Te Teira that the purchase will not be completed until Mr. McLean visits Taranaki.

I have, &c.
(Signed) T. H. SMITH.

R. Parris, Esq.,
District Commissioner, Taranaki.

No. 12.—Te Teira and others to the Governor.

Ohuka, New Plymouth,
October 18, 1859.

Go, this letter of love, to his Excellency Governor Browne and Mr. Smith.

Your letters have been received by me, and your love also to your children, who love that good matter which I gave up in the open daylight to you and Mr. McLean, but your love is still kept by Mr. Parris (that is) our ring, Hemi, Paranahi, and I wish the matter to be settled at once, according to your word; and Mr. Parris wishes it to stand over till Mr. McLean arrives, when it will be given to me. I said no; Mr. Parris must give me the payment for my ancestor which was given to his Excellency and Mr. McLean by Te Teira. If you receive this letter write to Mr. Parris and request him to give it to us, and the payment for our daughter to me.

I have spoken your word to the people, and they do not consent. Mr. Parris has been to Waitara three times, Wiremu Kingi did not agree with his words. Mr. Parris said "The Governor and I will not cease to act in this matter." Wiremu Kingi asked, "Shall I go to the mountains?" Mr. Parris said "It is with you;" but Mr. Parris will not cease to act in this matter. These are all the words on this subject.

This is another word: we have heard from Europeans that the coppers (money) have been sent, but Mr. Parris did not tell us. Is this word true? So ends.

From
TE TEIRA,
HEMI,
PARANIHI.

His Excellency the Governor, and
T. H. Smith, Esq.,
Assistant Native Secretary,
Auckland.

No. 13.—DISTRICT COMMISSIONER, Taranaki, to CHIEF LAND PURCHASE COMMISSIONER.

SIR, New Plymouth, December 4, 1859.

I HAVE the honour to inform you, that on Tuesday, 29th ultimo, I paid on instalment of 100*l.* to Teira and others for their land at Waitara.

On Friday, 25th ultimo, I went to Waitara, and informed Wm. King that I purposed doing so. On Tuesday, 29th ultimo, he came to town with a party of about 30 to oppose it. I prevailed on them to meet Teira and party and discuss the question, which was done in a very orderly manner, in the presence of a large audience of Europeans.

Wm. King avowed his determination to oppose the sale, without advancing any reason for doing so; upon which I put a series of questions to him, which I called upon the Rev. Mr. Whiteley to witness.

Q. Does the land belong to Teira and party?—*A.* Yes, the land is theirs, but I will not let them sell it.

Q. Why will you oppose their selling that which is their own?—*A.* Because I do not wish for the land to be disturbed; and although they have floated it, I will not let it go to sea.

Q. Show me the justice or correctness of your opposition?—*A.* It is enough, Parris, their bellies are full with the sight of the money you have promised them, but don't give it to them; if you do, I won't let you have the land, but will take it and cultivate it myself.

Teira stops in town since he received the instalment, considering it not safe for him to stop at Waitara.

I have, &c.
(Signed) ROBERT PARRIS,
District Commissioner.

I hereby certify that the above questions were put, and the answers given, as reported by Mr. Commissioner Parris.

The Chief Commissioner, &c. &c.
Auckland.

(Signed) JOHN WHITELEY.

No. 14.—ASSISTANT NATIVE SECRETARY to TEIRA and others.

FRIEND TE TEIRA, Auckland, December 21, 1859.

SALUTATIONS to you. Your letter of the 18th October, respecting the money,—the payment for your piece of land,—has come. The Governor has sent instructions to Mr. Parris regarding that matter. You had better go and talk with him about it. He will carry out the Governor's instructions at the proper time.

From your friend,
(Signed) NA TE METE.
(THOS. H. SMITH.)

To Te Teira, Hemi, and Paranihi,
Taranaki.

No. 15.—TE TEIRA and others to the GOVERNOR.

Waitoki, January 19, 1860.

Go, this loving letter, to Governor Browne and to Mr. Smith.

Friends, salutations to you.

This is our word to you. Hearken. Why do you delay? You say that Mr. Parris has the arrangement of the matter. Mr. Parris says that it lies with the Governor to consummate our marriage with the beautiful woman, Waitara—with the land which we have given up to you. Give your consent at my request. You said that it was deceit on my part. Agree that Mr. Parris shall complete it; do not delay the matter. If you are willing to do so, write to me; and if you are not, write to me. Write speedily, that it may come straight to your children who are residing with Mr. Parris. We are sad, because of our marriage with this woman being deferred so long. This woman that we gave to you in the face of day is now lying cold. You had better turn her towards you and warm her that she may sleep comfortably in the middle of the bed. Come also yourself, that I may know your intentions, and that you may hear my word to you. Come my father the Governor. This is our letter to you.

From TE TEIRA, PARANIHI,
HEMI, TE RETIMANA,
TAMATI, RAWHIRI,
WETERINI, MATIU,
ERUERA, HORI.

To his Excellency Governor Browne,
Auckland.

Appendix No. 3.

Further Papers relative to the Native Insurrection.

No. 1.—Mr. PARRIS to Chief LAND PURCHASE COMMISSIONER.

SIR, New Plymouth, July 16, 1860.

I HAVE the honour to transmit the following report of occurrences connected with the negotiation for the block of land at Waitara from the time it was first offered to the Government, to the time of attempting the survey of the same.

2. This land was first offered to the Government on the 8th March, 1859, before a large meeting of natives, assembled to meet his Excellency the Governor in the town of New Plymouth; present, his Excellency the Governor, the Native Minister, the Native Secretary and Chief Commissioner, his Honour the Superintendent, Lieutenant-Colonel Murray, Rev. Mr. Whiteley, and a number of settlers. Among the natives present were all the leading men of the Waitara, Puketapu, Ngamotu, and some of the Taranaki tribes. After the usual salutations had been exchanged, and two or three short addresses to his Excellency the Governor, Teira rose and said, "Listen all present, both "Europeans and Maories, I am going to offer the Governor my land." He then commenced to name the boundary, during which there was not the slightest interruption. Having finished, he put the question to his Excellency the Governor, Whether he would consent to buy his land. There was a pause while his Excellency was consulting with the Native Minister and the Chief Commissioner, before answering the question. In the interim, a native called Piripi got up to propose that a block of land inland of Teira's, in which he (Piripi) has some claims, should be added to Teira's, and sold as one block. This proposal was instantly opposed by Patukakariki and several others, when another man (Hemi Kuka) got up to offer his land at Onaero, which caused some confusion; and seeing it was likely to interrupt Teira's question, I requested Hemi Kuka to sit down, which he did; Piripi was still standing, and Wm. King rose to put him down, when Teira said to him, "E Wi noho koe ki "te whenua, maku e whakoti te tikanga a Piripi" (Wm. King, you sit down, I will stop Piripi). Wm. King sat down, and Teira, addressing himself to Piripi, said, "I shall not consent for the land "which I am offering to be entangled with any other; when mine is sold, you can do as you like "with yours." Quietness having been restored, Teira again put the following question to his Excellency the Governor, "Will you consent to buy my land?" His Excellency replied through the Chief Commissioner, "If the land is yours, I consent to buy it;" upon which Teira walked up to his Excellency with a Kaitaka mat, and laid it down at his feet, as a token that the land had departed from him. Seeing there was no interruption, some natives present said, "Kua riro a Waitara" (Waitara is gone), when Wm. King rose, and, in a very disrespectful and sullen tone, said, "Governor, "there is no land for you," and left most abruptly and unceremoniously, with his followers, without offering the slightest explanation.

3. Previously to his Excellency's departure from the Settlement, I was instructed to investigate Teira's claim carefully and cautiously, and not to do anything or encourage any move on the part of the sellers, which would in any way be calculated to bring into hostile collision the two parties, and from time to time to report the result of my investigation.

4. After this offer of the land for sale, Teira associated with W. King and his people the same as before, but never let the subject rest. He frequently called them together, and in a quiet and kind manner entreated them to withdraw their foolish opposition, assuring them that he never would give the question up; that the small piece of land he had offered to sell was but a very small portion of his and his supporters' claims, that if they continued to oppose him in the offer made to the Governor, he should also offer more; but if they behaved consistently, he would stop with the offer made. Nothing but the justice of his claims could have encouraged him to meet them in the way he always has, fearless of the existing combination to annihilate all land-sellers. It is due to the opposition to state that they never had recourse to harsh measures, for many months after the public offer of the land to his Excellency the Governor, but on the contrary, tried to work upon Teira by acts of kindness; they built him and Retimana a very nice house each, and showed them other attentions, which, if appreciated, had not the desired effect, for he continued to write to his Excellency the Governor, urging him to conclude the purchase.

5. For an interval of two months the negotiation for this land was suspended on account of peace negotiations between the late contending parties, at the Ikamoana and Karaka, which I considered I should not be justified in interrupting, by forcing upon them negotiations for land. At the same time, although the public complained of the delay in the matter, I was absent for a month at Waikato, negotiating for a line of road through the interior. On my return Teira came to town, and stopped a week with me; he informed me that during my absence William King's natives had been threatening to cultivate some of the land, that he therefore wished me to resume the negotiation. On his return to Waitara he found that some fencing had been put up on the land, which he immediately cut down, for which they threatened to burn a large war canoe (Manawatu) the only one at the river, owned by his father. In reply he told them that if they injured the canoe, he would with his own hands put a fire stick to every house in the Pas, which they knew were standing on his land. The canoe was not touched, and nothing further occurred.

6. In September last the peace negotiations having been concluded, I went to Waitara, to have an interview with William King and his people, on the subject of resuming the negotiation for Teira's land. I spent this day and many others with them, endeavouring to induce them to meet Teira's party, and discuss quietly and deliberately the claims to the block of land, but they never would consent to do it; I therefore was obliged to get information from other natives (and strange to say some who are now opposing the Government, Hapurona and others) to compare with the representations of the selling party, and the information which I obtained fully corroborated the statements of the selling party. Hapurona on one occasion had a disagreement with W. King, and declared that he never would support the opposition. The land was occupied by Tamati Raru's and Rawiri Raupongo's people, before the Ngatiawa migration to the south, and their Pa was at Pukekohatu on the land, whilst William King and his people were living on the north side of the river, and had their Pa at Manukorihi, and on returning from the south, in 1848, they asked permission of Teira and his father to be allowed to build their Pa on the south side, which question had been submitted to a committee who had decided, that the south side was preferable to the north, in case of an invasion from Waikato.

Since their return from the south, none of the land sold by Teira and party has ever been cultivated by William King's people.

7. Having been authorized to pay an instalment for the land, I appointed the 29th November for that purpose, and gave William King a week's notice of my intention to do so. On the 28th he came to town with about 30 followers, all armed; on hearing they were at the Kauwau Pa, I went to them, and prevailed on William King to remain until the following day, and supplied them with food for that purpose, and on the 29th they met Teira's party, before his Honour, the Superintendent, Lieut.-Colonel Murray, Rev. Mr. Whiteley, and other authorities of the place, when he distinctly admitted, in answer to a question put to him by myself, that the land was Teira's and his supporters, but that he would not allow them to sell it. An instalment of 100*l.* was paid that day, from which time Teira remained in town, his life having been threatened, having at the request of the others conducted the negotiation. Teira, whatever others may think or insinuate with regard to him, as a man of rank, has a character unsullied, and can prove his line of ancestors to be of no mean origin.

8. Rawiri Raupongo, an extensive claimant in the Waitara district, was frequently forcing the sale of this land upon me privately, being, as he always assured me, afraid to move publicly in the matter, lest he should be served the same as Rawiri Waiaua was; and the opposing party for a time had an impression that he was not a consenting party, for one of William King's principal men, Komene Patumoe, made a statement to Archdeacon Govett, which that gentleman has furnished me with, a copy of which I here insert:—

Dear Sir, New Plymouth, July 10, 1860.

I have no objection to give you a written statement of what was said by Komene Patumoe to me, regarding the sale of the block of land at Waitara. His expression was, that if Rawiri Raupongo had been a consenting party to the sale they could not have had anything to say against it (Kahore a matoa kupu). By this I understood him to mean, that the natives generally at the Waitara could not have reasonably opposed it.

I remain, &c.

Robert Parris, Esq. (Signed) Henry Govett.

9. In December last a native called Waitere, from Hangatiki, an active agent in the King movement, called at Waitara on his way to the South, and left secretly a King's flag with a native called Erueti, the miscreant that proposed the plot to murder me, who has done a great deal of mischief in this district. As soon as William King found out that this flag had been left there, he accused those who sanctioned it of acting treacherously by him, and finding some of his own people favourable to it, he threatened to leave the district. This matter caused a division among the party; William King left his Pa at Waitara, and went to live with Teito, near the Waiongona, while the other party still carried on the flag question, and commenced to prepare a flagstaff. The two old men, Tamati Raru and Rawiri Raupongo, declared they would lose their lives rather than allow of its being erected on their land. Whilst this was going on a large (kupenga) fishing-net was also being made by the same party. William King went to Tamati Raru and Rawiri Raupongo, and recommended them to obstruct the use of the net (which right by native custom is vested in the owners of the land) by falling on it with a knife and cutting it in pieces. Teira, who was stopping in town, came to me in trouble for the two old chiefs, lest they should consent to William King's recommendation and get hurt; I therefore went with him the following day to Waitara, and advised them not to interfere.

10. In January last a report was current that I was going to cut the boundary line of the block of land, and in consequence thereof an armed party was out every day waiting for me. On hearing of this, I rode down to them and gave them a reprimand for assembling in that way with arms, and told them that they need not be lying in wait for me; that they should have notice whenever it was decided to survey the land. I had a long discussion with them, during which Edward (William King's son) said that they had determined the land should not be sold, for if they allowed Teira to sell, others would be wanting to sell also.

11. On payment of the instalment of the 29th November last, I read over the boundary of the block of land, in the presence of William King and his party, to which was appended the following, as instructions from his Excellency the Governor.

"If any other person can prove that he owns any part of the land within the boundaries above described, his claim will be respected, and he will be allowed to *retain* or *sell* the same, as he may think proper."

No definite claim was ever preferred, at this or any other time, and the only position they have ever taken is the arbitrary one of assuming the right to oppose the sale of any land, even by the rightful owners.

12. Having been instructed to proceed with the survey of the land, I appointed the 20th February for the commencement, and informed William King accordingly. This having been generally understood by the settlers, a number of them were intending to accompany us, on hearing of which I went to his Honour the Superintendent, and requested that a notice be published cautioning them against doing so, as it was highly objectionable.

On arriving on the ground with a surveyor, two chain men, and one native, Hemi Pataka, one of the sellers, we were met by a party of 70 to 80 waiting for us. On placing the surveyor's instruments on the ground they were seized, and a struggle ensued, when Hemi Pataka struck one to the ground. I exerted myself to prevent any further collision, and requested the surveyor to retire: shortly afterwards we returned to town.

13. If the question with regard to this land had been confined to the Waitara natives, it would have been settled amicably; but the interference of the Waikatos, and the support guaranteed from that

quarter, rendered the opposition impracticable and ungovernable. The question of claims was entirely repudiated, and the authority and supremacy of the Maori King declared.

14. On the arrival of his Excellency the Governor from Auckland, he sent a request by the Rev. Mr. Whiteley, Mr. Rogan, and myself, to William King to come to town and have a conversation with him, and sent him a written pledge that he should not be molested.

THE GOVERNOR'S PLEDGE.

March 1, 1860.

I hereby pledge my word that W. King and any reasonable number of his followers who may choose to come to New Plymouth unarmed, and converse with me, shall be allowed to return unharmed and in freedom to the place from whence they came.

This promise shall be good from this day, until the night of the 3rd of March 1860.

(Signed) T. Gore Browne.

William King refused to comply with his Excellency the Governor's request, and from that time remained away in the bush, where he had previously prepared himself a place, having decided upon hostilities against the Government.

I have, &c.

ROBERT PARRIS,

District Commissioner.

The Chief Commissioner,
&c. &c. &c. Auckland.

No. 2.—MEMORANDUM by his Excellency the Governor.

Goverment House, July 20, 1860.

In order to complete the documents about to be printed for both Houses of Assembly, the Governor requests the Chief Land Purchase Commissioner to answer the following questions:—

First,—Had Tamati Raru, Rawiri, Rauponga, and their people, such a title to the block of land recently purchased at the Waitara as justified them in selling it to the Queen?

Secondly,—Had William King any right to interfere to prevent the sale of the above block of land at the Waitara to the Queen?

No. 3.—Chief Land Purchase Commissioner to the Governor.

Sir, Auckland, July 23, 1860.

In reply to Your Excellency's memorandum of the 20th inst., I have the honour to state, with reference to the first mentioned question, as to whether Tamati Raru, Rawiri, Rauponga, and their people, had such a title to the block of land recently purchased at the Waitara as justified them in selling it to the Queen.

I believe that the above chiefs, conjointly with others at the south associated with them in the sale, had an undoubted right of disposal to the land in question.

With reference to the second inquiry, "Had Wm. King any right to interfere to prevent the sale "of the above block of land at the Waitara to the Queen?" The question of title has been carefully investigated. All the evidence that has come before me, including Wm. King's own testimony, that the land belonged to the above parties, goes to prove that he had no right to interfere, the interference assumed by him has been obviously based upon opposition to land sales in the Taranaki Province generally, as a prominent member of an anti-land-selling league.

I have, &c.,

His Excellency Colonel Gore Browne, C.B.,
&c. &c. &c.

DONALD McLEAN,
Chief Land Purchase Commissioner.

No. 4.—LETTER from William King to the Governor.

Friend the Governor,— Waitara, Feb. 11, 1859.

Salutations to you. I have a word to say to you and to Mr. McLean. Do you hearken to our Runanga respecting the land. Do you hearken: The boundary commences at Waitaha, thence along the boundary of Tarurutangi to Mangaraka, thence on till it reaches Waiongana;—it there ends;—again it proceeds along the course of the Waiongana stream till it reaches the boundary of Paritutu, where that ends. Again it commences at the mouth of the Waitaha, thence along the coast line in a northerly direction to Waiongana, Waitara, Turangi, Waiau, Onaero, Urenui, Kaweka, Kupuriki, Waiti, Paraeroa, Karakaura, Te Kawau, Pautama, and Mowhakatino. The boundary of the land which is for ourselves is at Mokau. These lands will not be given by us into the Governor's and your hands, lest we resemble the sea-birds which perch upon a rock, when the tide flows the rock is covered by the sea, and the birds take flight, for they have no resting-place. I therefore bethought me of what was said in former times about holding land. My word is not a new word, it is an old one; Governor Hobson, Governor Fitzroy, and Governor Grey have all heard it, and now that you have come, O Governor Browne, I send the same word to you that I sent to the Governors, to hold back my land. You, O Mr. McLean, are aware of that word of mine when you first came here and saw me, you heard that same word from me, "I will not give the land to you."

I have, therefore, written to the Governor and you, to tell you of the Runanga of this new year, which is for withholding the land, because some of the Maories still desire to sell land, which causes the approach of death;—it is said that I am the cause, but it is not so, it is the men who persist; they have heard, yet they still persist.

If you hear of any one desiring to sell land within these boundaries which we have here pointed out to you, do not pay any attention to it, because that land selling system is not approved of. This is all.

Salutations, O Governor Browne, to you and Mr. McLean, and do you write and send me your love. It is ended.

From your Friend,
WIREMU KINGI WITI.

Appendix No. 4.

Further Papers relative to Native Insurrection.—Evidence of the Venerable Archdeacon Hadfield and Mr. Commissioner McLean, taken before a Committee of the whole House.

(The House in Committee.)

Tuesday, the 14th day of August 1860.

The order of the day,—"That the house do resolve itself into Committee, and that the Venerable "Archdeacon Hadfield be requested to attend at the Bar of the House, to give evidence as to the "causes of the Taranaki war, and be subject to question as to the same: and that the Chief Land "Commissioner, Mr. McLean shall also be summoned as a witness, and examined on the same "subject,"—being read,

The Venerable Archdeacon Hadfield in attendance,—

Ordered, That the Venerable Archdeacon be introduced within the Bar, and be permitted to seat himself.

The Archdeacon was then introduced by the Serjeant-at-Arms.

Ordered, That Mr. Chairman do request the witness to state whether he would prefer to make a general statement as to the causes which led to the Taranaki war, or reply to specific questions proposed to him on that subject.

Witness stated in reply that he had not come prepared to make an independent statement, not having understood from the summons he had received from Mr. Speaker, that he would be expected to do so, but that in obedience to the order of the House he was prepared to reply to any questions that should be submitted to him.

1. *Mr. Fitzherbert.*] How long have you known William King and under what circumstances?—I have known William King since December 1839, when I went to Cook's Straits and took up my abode at Waikanae.

2. What do you know of William King's personal character and of his public character in his relations to the British Government previously to the commencement of the present war?—During the four years I resided at Waikanae I formed a high opinion of his personal character. I am not aware of any act of violence of which he was guilty except on one occasion when during my absence he struck a man down for attempting to burn my house. With reference to his public character he gave most material assistance to the Government after the unfortunate massacre at Wairau. He rejected the proposal of Te Rauparaha and Te Rangihaeata that he should join with them in an attack on Wellington; and exercised the whole of his influence to prevent any of his tribe from doing so. During my absence from Waikanae for a few days, an attempt was again made by Te Rauparaha and others to unite William King and his tribe with others in a hostile attack on Wellington, but he again positively declined to take any part in such a proceeding. In the war with Te Rangihaeata he co-operated with the Government against that Chief, though he was a near relation of his. Sir George Grey, who was on board a vessel at Kapiti asked his assistance, he returnd the same day to Waikanae, and proceeded with 140 men to Te Paripari, when on the following day he captured eight prisoners who were in arms against the Government, and handed them over to the authorities. They were tried by martial law and seven were transported, I believe they were sent to Hobart Town. Without going into further particulars I believe that his conduct at that time gave universal satisfaction. He assisted the British Government on all occasions when his assistance was required. I could name other instances.

3. How long were William King and party absent from the Waitara?—To the best of my belief about 20 years; (as far as I have been able to obtain dates prior to the year 1838,) the first migration from Waitara under William King's father, when he was accompanied by many of the leading chiefs, took place about the year 1827 or 1828; they returned in 1848.

4. What happened at the Waitara during their absence?—After William King and nearly all the principal chiefs residing at Waitara had left to assist Te Rauparaha in his war in Cook's Straits, the Waikato came down and attacked the remnant of that portion of the Ngatiawa who remained at Waitara in their pah Pukerangiora, they besieged and took the pah, also a number of prisoners, and dispersed the remnant of the tribe. The Waikatos subsequently proceeded to attack Ngamotu, they were resisted by Te Puni and other of their chiefs, they were then repulsed at Moturoa. The Waikatos never held possession of Waitara and never acquired any right to it. A few members of the Ngatiawa remained on the land and cultivated. There was only one Waikato (Pekitahi) who ever cultivated, he had married into the Ngatiawa and cultivated by virtue of that marriage.

5. How were their individual rights or their tribal rights to the Waitara land effected by what took place during their absence?—I conceive that the leading members of the Ngatiawa having voluntarily migrated to Cook's Straits, and as the Waikato never held possession of Waitara, neither the right of the tribe nor of the individual members of it were at all affected by their absence from Waitara.

6. Do you know the circumstances under which they returned from Waikaane to Waitara and whether that return had been long contemplated by them?—They had contemplated such return from the time when they originally left. I first heard of their contemplated return on my arrival at Waikanae in the year 1839. One reason was that a collision had taken place a few weeks before with Ngatiraukawa, supposed to be at the instigation of Te Rauparaha. Another reason for their return was that the limits of the land in their possession at Waikanae were very narrow; from my first acquaintance with them they always spoke of their return to Waitara as only a question of time. The immediate circumstances which led to their return in 1848 arose out of the disturbances at the hut.

7. Was any one occupying the land when they went back?—Not being at Waitara at the time I can only give secondary evidence on that point. I have never heard of any other occupation of Waitara prior to the arrival of the English colonists, and certainly not since, than that which I have previously alluded to.

8. To whom did the land belong at the time of their return?—From my reply to a previous question to the effect that Waikato never occupied the Waitara country, consequently it follows that in my opinion at the time of their return it belonged exclusively to the tribe under William King and that portion of the Ngatiawa who returned with him.

9. It has been stated that William King returned to Waitara in defiance of Sir George Grey; are you aware whether William King was in any way bound to remain at Waikanae, and whether Governor Grey had any right to dictate to him as to what part of his possessions he should reside in?—I have heard that William King returned to Waitara in defiance of Sir George Grey's expressed wish to the contrary. I never did hear from Sir George Grey himself that he had made any official communication to William King to that effect. I know as a fact that William King in opposition to the expressed wish of the resident magistrate at Waikanae took his guns, gunpowder, and ammunition with him. He did this as a necessity, for he expected that he might be engaged in war with the Waikato. I have no reason to suppose Sir George Grey had the right to dictate to William King as to whether he should reside at Waikanae or Waitara. I see in some papers which have been laid before this House a document, signed by Major Richmond, then Superintendent of Wellington, in which he stated that he paid a visit to William King in July 1847, and that he (William King) expressed himself as being anxious to do nothing which would be offensive to the Government, and he would be sorry to do anything which would be displeasing to the authorities. At the same time I have heard that Sir George Grey had expressed a wish that he should not return there.

10. Are you acquainted with the nature of native tenure of land?—I ought to express some diffidence in replying to that question, but I may observe (in reference to the tenure acknowledged by the natives of the southern half of this island with which I am acquainted), that there is little or no difficulty on the subject.

11. What opportunities have you had of becoming acquainted with the subject?—The opportunities I have had of becoming acquainted with the subject arose from the fact of my having resided for four years in a Maori Pah in which there were from five to six hundred men. My attention was particularly called to the subject at that time by the constant disputes about the purchases of land made by the New Zealand Company in Cook's Straits. I was frequently applied to by Mr. Commissioner Spain to assist him in elucidating Maori customs about land. I may further state that after the collision at Wairau I made it part of my business to inquire into the subject, and after careful inquiry, I came, in 1845, to a conclusion on the subject, which the experience of the last fifteen years has not tended in the slightest degree to alter.

12. State what you think to be the rights of the tribe in respect to land belonging to it?—I think that the right of each tribe to lands extends over the whole of the tribal territory and entirely precludes the right of any other tribes over it. Such absolute tribal right may be classed under two heads:—1st. The territory which has been in the possession of the tribe for several generations, and to which no other claim had been previously known. 2nd. The territory acquired by conquest, occupation, or possession.

13. State what you understand to be the rights of individual members of the tribe in respect to land?—I believe that the rights of the individual members of the tribes are limited to those portions of the lands of the tribe which they have either cultivated or occupied, or on which they have exercised some act of ownership which is acknowledged as such by the tribe. I must be understood to mean

that their title to such lands was simply that of holding for their own use and benefit. Their right was a good holding title as against every other member of the tribe. They might exchange land among themselves, but no one could alienate without the consent of the tribe. In the year 1845 I drew up a paper on the tenure of native lands which I gave to Sir George Grey, who promised to return it. He told me he sent a copy of it to the Colonial Office. He did not return the original to me, I understand that it was burnt with other papers at Auckland.

14. What do you understand to be the rights of the chief of the tribe in respect to land belonging to the tribe?—While looking over some papers a few weeks ago I accidentally discovered my original pencil notes, which formed the rough draft of the paper on this subject to which I have just alluded; which I now produce, and with the permission of the Committee will read, as they must be conclusive as to what my opinion as to individual title was in the year 1845:—

"The chief of the tribe, since he has no absolute right over the territory of the various *hapu*, nor over the lands of individual freemen of his own *hapu*, cannot sell any lands but his own, or those belonging to the tribe which are undoubtedly waste lands; nor can he do this in opposition to the opinion of the chiefs of the *hapu* of the tribe, if they consider the territory and thus the independence of the tribe impaired by so doing. Allowing this very questionable right of the chief to alienate any part of the territory of a tribe, it can scarcely be allowed to any chief of a *hapu*, even should he act in accordance with the various individuals of the *hapu*. It must be remembered that a tribe, however subdivided into *hapu* is one, and cannot allow its integrity and strength to be impaired by the independent act of one *hapu*, which is bound to identify with itself in all things, and to protect, if involved in any quarrels or difficulties. These remarks are more decidedly applicable in the case of ordinary freemen—*tutua, who cannot alienate that land, which is absolutely their own for all practical purposes*, but is not to be disposed of in a manner contrary to the supposed interests of the tribe. There can be no doubt on this subject."

The notes which I have now read to the Committee imply that the chiefs have power over some portions of the land. Fifteen years ago, I set it down as a questionable right or power; I view it in the same light now. I limit such right of chiefs to deal with lands obtained by conquest only; and do not consider that it extends to any land which has become vested in the tribe by long possession. I wish to guard myself in reference to what I am saying on this subject, by premising that I am speaking of tenure to land as it existed prior to the establishment of the British Government in the Colony, and not since that event. The chief of a tribe must be regarded as holding his position by a double title. His just title must arise from his undoubted descent through a long line of well-known ancestors from the original head of the tribe. His second title depends on a more democratic principle, that is, he must be the acknowledged and the elected head of the tribe. The chief is the representative of the territorial right of the tribe, not because he is descended from numerous ancestors of noble blood, but because he has been acknowledged as such on account of his personal qualifications and influence, and has, in fact, been recognized as the guardian as well as the mouth-piece of the rights of the tribe. I have no doubt whatever on this subject. I understand that whatever rights to land existed previous to the treaty of Waitangi among the natives are still rights with them, being guaranteed by that treaty. I investigated Maori titles to land irrespective of the influence which may have been exercised by the Government, and eight or ten years previous to the establishment of British sovereignty.

15. Who is the acknowledged chief of that portion of the Ngatiawa tribe resident at Waitara?—I have no hesitation in stating positively that Wm. King is the acknowledged chief of that portion of the Ngatiawa at Waitara.

16. Are there any other chiefs of that portion of the tribe who possess equal or nearly equal powers with Wm. King?—The only other chief who, were Wm. King to die, and in whose power it would be to forbid such a sale of land, is Te Patukakariki—a man older than W. King and head of the Ngatihinga and Ngatituaho *Hapu*.

17. What rank does Te Teira hold in the tribe?—The only rank Te Teira holds is simply that of a freeman of the tribe, called by the natives *tutua*, he could not by any stretch of language be called a chief; I knew him and his father four or five years, and during that time I never heard him or his father attempt to speak at any Runanga or meeting of the natives.

18. To what *hapu* does he belong, and who is the principal chief in that *hapu*?—Te Teira belongs to Ngatihinga and Ngatituaho *hapu*, and Te Patukakariki is the chief.

19. Do you know the position of the block of land in dispute at Waitara?—The only difficulty I have in answering that question arises from my never having seen the official survey boundaries. It has been described as a block of land containing about 600 acres, situated on the south bank of the Waitara; this land I have seen and been over; but I do not know the precise boundary line of the Government. It is three years since I was on the land.

20. Can you state who were the owners of that block of land previous to the present dispute?—I will state what I have heard on the subject. I have direct information from persons stating that they are claimants to that land, and I am only giving my opinion on that information. I have no hesitation in saying that the land belongs to that portion of the Ngatiawa tribe, of which William King is the chief. This portion of Ngatiawa is divided into four hapus, namely—Ngatikura, Ngatiuenuku, Ngatihinga, and Ngatituaho, who have principally resided at Waitara since 1848 under William King. With regard to the block of 600 acres (apart from the tribal right as represented by Wm. King,) I have been informed (speaking within the mark) that there are a hundred claimants who assert rights to that land, it having been the land of their ancestors, and having been in ages past, in some parts at least defined by stone marks. I know the names of a number of claimants. I could quote a great number. I am prepared to prove that there are a hundred persons now living at Waikanae, Port Nicholson, Queen Charlotte's Sound, and Massacre Bay, having valid claims.

21. Do you know any of them personally, and what is your opinion of their veracity?—I have known the greater number of them personally. I have had no communication with them since this dispute has arisen, except with those in my own immediate neighbourhood. The veracity of those natives I believe there is no room to question.

22. Have all the owners of that land with whom you are acquainted agreed to the sale of it?—I was lately informed by two persons at Waikanae, who had just returned from Waitara, that many of those persons with whom they had held conversation had not consented to the sale of the land; I believe that there are, say ninety out of a hundred, claimants who have not consented to the sale of the land.

23. Can you say how many have agreed, and how many have not agreed, to the sale of the land in question?—According to the information which I have received, there are only ten or twelve persons who, having any valid claims, have consented to the sale of the land. There are 80 or 90, perhaps a hundred others, who have never consented to it.

24. You have stated that certain owners of the disputed land did not agree to the sale of it, do you know whether their consent has been asked?—I have been positively told by two or three claimants that their consent was never asked.

25. Do you know anything about any investigation of their claims?—I have been positively assured that no investigation whatever had been made at Waikanae.

26. Do you think that any of these claimants would now refuse to sell their interest in the block of land under dispute?—I think that some would now refuse to sell their claims; my reason for thinking so is, that one of them, Hohepa Ngapaki, a nephew of the late chief Te Hawe told me so. He further stated that when the Chief Commissioner was in Cook's Straits he appeared to express surprise at his having a claim, and said that the Government would compensate him for it. He (Hohepa) replied that he was not prepared to take compensation—or be forcibly driven from the land, which he had inherited from his father.

27. Can you say what proportion of the disputed land belonged to those who have agreed to the sale of it?—I understand the question to mean the proportion of the individual rights as distinct from the tribal rights. I believe that those individuals who sold the land owned about one-fifth of the block, and that four-fifths were the actual property of those who refused to sell, or whose claims were never investigated.

28. What do you conceive would be the effect on the native mind of commencing the survey of a block of disputed land?—I have no difficulty in answering this question—such an attempt to survey the land in dispute was a taking possession of the land according to the native view, it being quite analogous to a custom of their own; when they want to take possession of disputed land they go and set up a post upon it; this is often done when they want to force on a collision between tribes.

29. Had the survey of the block of land at Waitara, alleged to have been sold by Teira to the Government, been delayed for six or twelve months, is it your opinion that these claimants might have been then more favourably disposed to part with their interests in the block?—My only reason for not giving a distinct answer in the affirmative to this question is my knowledge of the existence of the promise given by William King to his father that he would not alienate any portion of Waitara. With the exception of that, I have no reason to suppose that any other claimant, if proper time for investigation had been given, and the feelings of discontent which had been caused by the manner in which Taylor had persevered in his endeavour to dispose of the land had been allowed to subside, would have objected to the sale or that the consent of the whole tribe would have been withheld.

When I was at New Plymouth, at the request of Mr. Parris I had a conversation with William King He came into the town, where he had not been for two years before, and spent the night at the inn with me. He then stated that he really had no objection to the Pakehas getting land; if they would only allow them (the natives) to settle their own differences and define their own boundaries, he would be prepared to negotiate with them for the sale of the land. I stated the result in the morning to Mr. Parris with the understanding that it was William King's wish that this intention of sale should not be made publicly known; I have however no doubt that had six or twelve months been allowed to elapse without molestation a sale might have been effected with general consent.

30. Here is a letter signed "Riwai Te Ahu," do you know the handwriting?—I do know the handwriting.

31. Who is the writer, and how long have you known him?—Riwai Te Ahu is the writer: I have been acquainted with him since 1839.

32. What do you know about him?—I have known him quite intimately for 20 years. I appointed him to act as native teacher. I have formed the highest possible opinion of him; his great influence and veracity was such that he held unquestionably a higher character than any other native in Cook's Straits. I recommended him to the Bishop of New Zealand for ordination in the year 1848, and I believe he was ordained four or five years ago, after having lived for a considerable time at Archdeacon Kissling's house. He is a man of the most scrupulous veracity.

33. Will you be good enough to compare this translation of that letter with the original, and say whether it is in your opinion a correct translation, and if not, in what part or particular is it incorrect?—I have already seen this letter, and have compared it with the original. I believe it to be a fair translation, perhaps not a literal one in the strict sense of the word. I have seen letters eloquently written by natives translated into bad English, with what object I know not, unless it were to produce an impression on the public mind that the natives were incapable of expressing their opinions in proper language, which is the reverse of the fact. I believe that to be a fair translation.

[*Translation.*]

RIWAI TE AHU.

MR. SUPERINTENDENT, Otaki, June 23, 1860.

GREETING. This is what I have to say. I have much to say; perhaps you will be tired reading; but I write fully, because I hear such erroneous statements about the land at Waitara and about William King. Do not think that it is out of any ill feeling to Teira that I write so fully, or that Teira is a more distant relation of mine than William King. No, it is because I wish to explain to you that you may understand all particulars concerning the land, and the tribes and the people to whom the land belonged, because the trouble has increased. Teira is a near relation of mine, and William King only a distant one.

We never imagined that this Governor would adopt a course different from that of other Governors. They, failing in their endeavours to obtain that land, desisted, Now, we are altogether perplexed (and exclaim), Alas! this is a new proceeding on the part of our Queen. But we think that the Governor must have been deceived by Teira and those acting with him, and the Land Commissioner of Taranaki, and that is why he was so hasty in sending his soldiers to Waitara to frighten the men and women who turned his surveyors off their own pieces of land, and land belonging to us, in order that he might seize those lands. For instance, Mr. C. W. Richmond writes, Taranaki, March 1860, (which has been heard by everybody,) "Teira's title has been fully investigated, and is perfectly good; "there is no one to deny his title." Yes, his title is good to his own pieces within the boundaries of that land; two or three pieces. Our title is equally good to our own pieces; some have one, or two, or three, or four within that block. William King stated this; but what he said has been misinterpreted by the Land Commissioner of Taranaki, who asserts that William King said the whole of the land was Teira's. It was his determination to take the land by force, and his ignorance of the Maori language, which made him pervert what William King said. From this statement put, but not proved, by Mr. C. W. Richmond, we conclude that the Land Commissioner only inquired of those who were on Teira's side of the question; even when they inquired at Queen Charlotte's Sound, they did not seek for information from any who were on William King's side; nor would they even listen to what they had to say, for William King writes: "He (Mr. Parris) says the Pakehas will not "hear what I have to say;" but I did not believe what he wrote last year, for I did not think it possible the Government could act in this way.

Information was not sought from us. If inquiries had been made on both sides of the question, if what they (W. K.'s party) had to say had been heard, and their inquiries had likewise extended to us (at Waikanae, &c.), it would have been evident that Teira and his party were in the wrong (had such inquiries been made, they must have exclaimed). Well, their pieces are dotted about amongst those belonging to persons who refuse to sell, and amongst those who dwell here. William King writes again:—"This is what I blame the Pakehas for—Mr. Parris, Mr. Whiteley, and the Governor, "they say all the land belongs to Teira. No, that land belongs to us all—to orphans and widows." His letter is here. If they had sought for information, the Governor's Land Commissioners would not have falsely represented to him that after full investigation they found the land belonged to Teira.

When we first heard that there was so much as 600 acres in the land claimed by Teira and his party, we thought it could not be the land at Waitara, but some new land that Teira and his party had discovered. The reason why William King and his party objected so strongly when Teira first offered the land for sale to the Governor, was because they found that their lands and ours would all be included in the one block; and what they found has come true. William King wrote and told us that—"The Land Commissioner of Tarnaki said that though only one man wished to sell the land, "the Pakehas would at once assent to purchase."

Now we deny the following statements which have been put forth:—That the land is Teira's, that it belongs to his tribes, to Ngatihinga—and that they allowed William King to live on that land after his return from Waikanae—that his occupation of it was unjustifiable, and that he had never before occupied it. Do they mean to say that the land did not belong to William King, and that he had no right to object to the sale? Listen. This statement would only be believed by Pakehas and tribes who are strangers to the facts of the case; but we of Ngatiawa, who live at Waikanae and Wellington, Queen Charlotte's Sound and Massacre Bay, we will never allow Teira's title, or say that William King has put forward an unfounded claim. Only those members of Ngatiawa who are deceiving the Government and the Pakehas will deny William King's claim or uphold Teira's. The Land Commissioner of Taranaki seemed to imagine that Teira and his party are the only members of the Ngatihinga and Ngatituaho; they did not seem to know that Wiremu Te Patukakariki is the chief of that *hapu*. Besides Nopera Te Kaoma and others who are of those *hapu*, who did not consent and whose objections were not listened to by the Land Commissioner at Taranaki. Listen. It was Wiremu Te Patukakariki's wife and their two daughters, with some other women of that *hapu*, who turned the Government surveyors off their own pieces of land.

Now this land was not divided into different portions for the different *hapu* for Ngatihinga and Ngatituaho, and for Ngatikura and Ngatiuenuku and other *hapu*, holding within the block which has been purchased by the Governor. No, they were all intermingled; the boundaries of each individual's land having been marked by stone-posts by our ancestors; besides these *hapu* are not of two different tribes; they are all of one tribe.

All of these different portions of land have names given them by our ancestors; the name of William King's is *Te Porepore*. One portion of land belonging to his son and daughter, which was the property of their mother, is that on which Te Hurirapa's pa stood, which was burnt by the soldiers.

Another portion of land is at Orapa, to the south of where their old pa stood. All these portions are contained in the block asserted to be Teira's, and have all been taken by the Governor.

All the portions of land belonging to us and those who opposed the sale—Ngatikura and Ngateuenuku and some of Ngatihinga and Ngatituaho, besides portions which belong to the *hapu*, have all been included in the block of land which the Land Commissioner of Taranaki asserts to belong to Teira alone. What can be the meaning of this expression—"William King was permitted to live on "that land by their consent, when he returned from Waikanae?" Who can venture to make such an assertion? It was no such thing; each man knew the portion of land inherited from his ancestors. Was it by their assent that Te Porepore became the property of William King when he returned from Waikanae? Was it by their own permission that Te Hurirapa became the property of his children when they returned from Waikanae—which has been taken away by the soldiers? Was it by their permission that our lands inherited from our ancestors became our property—which lands have all been taken from us at the point of the sword? In my opinion such an assertion is like deadly poison. According to the opinion of the Land Commissioner of Taranaki, Teira was quite justified in asserting his right to sell the whole of that block, and William King was utterly wrong (in denying it). In our opinion, Teira's act was a great crime, and nothing can be said in his behalf which can hide his unjust act.

In conclusion I must say that I am unable to suggest anything to my people to pacify them in their sorrow about our lands; they are very much grieved about the seizure of the lands of our ancestors. If that land should be permanently wrested from them, then this saying will be handed down through all future generations—that land was forcibly and unlawfully taken away by a Governor appointed by the Queen of England.

If William King had been a murderer, he would have shown it to Mr. Parris, Land Commissioner of Taranaki, for saying that—"He (W. K.) would be shot and his body would be put under ground "in their cultivations, and not taken to a burial ground." Now, to us Maories this is a very bad language (a curse) to use about a chief. It would immediately occasion war (his title is here).

In 1837 Reretawhangawhanga was cursed by Ngatimaru. A large hostile party of Ngatiawa, consisting of 400 men, went from Waikanae to Whareroa; but owing to that chief's moderation, none of the Whareroa people were killed, their potato crops only were injured. I formed one of that party. Was it because William King was (asserted to be) a drunkard and a murderer that the Land Commissioner of Taranaki thought that land belonged only to Teira and his party? Is that the reason why it was taken from him? There is a murderer living with the Land Commissioner and his party at Taranaki; but they do not call him a murderer, he is called "our friend;" why did they not take away his lands.

William King and his party wished to avoid war when the first instalment of money was paid to Teira for Waitara. One of them wrote to ask me whether I thought it would be well to collect money among themselves and return the Governor the money (100*l.*) which he had paid to Teira, but when our lands should be taken on account of that money having been paid, they should resist, and their resistance should be made a pretext for the Governor to make war with them. (His letter is here.)

I myself formerly heard the private language of Reretawhangawhanga, William King's father, in the pa Waikanae, in 1840, in reference to Waitara, not to sell it to the Pakeha. And he continued to express the same determination until his death in 1844. And he left a strict injunction to William King to carry out his wishes after his death.

When Te Reretawhangawhanga and the other chiefs at Waikanae heard that Nuitone Te Pakaru, chief of Ngatimaniapoto, had come to clear a place for cultivation on the south bank of the Waitara, (Wharonui was the name of the piece of land) they said that he must return to his own place, and leave Waitara for us. I heard them say this (in 1842–3). Nobody belonging to Waikato or Ngatimanipoto lived at Waitara before the Pakehas went to settle at Ngamotu. Nuitone Te Pakaru was the first who attempted to live there, and this induced one of those chiefs—Ngaraurekau—to go there from Waikanae, to hold possession, and prevent any Ngatimaniapoto men from returning to Waitara. Ngatimaniapoto now returning to Waitara during the interval between that and William King's return there. I make no mention of Peketahi, he was allowed to remain there because of his wife, who was a Ngatiawa.

William King acted like a friend to the white people of Wellington in 1843. We went from Waikanae (with Archdeacon Hadfield). We saw Haerewaho tried by Mr. Halswell in the Court House at Wellington. He was found guilty and taken to prison. There all the natives of Wellington rose and wished to kill the pakehas in the town. William King at once exerted himself to put down the movement; and it ended.

The second time was in 1846. Governor Grey sent for William King to go to him on board H.M.S. "Castor," which was anchored at Kapiti. He went. Governor Grey then asked him whether he would go to Te Paripari, to assist against his foe Te Rangihaeata. William King immediately assented (he did not raise any objection on the ground that Te Rangihaeata was his relation). In the morning we returned to Waikanae. William King at once summoned his various *hapu*, and told them that they are to go to Te Paripari. We slept that night on the road to Wareroa. In the morning we reached Te Paripari. He took 140 men with him. I accompanied them, and then returned to Waikanae. They made prisoners of eight men, belonging to Wanganui, who had joined Te Rangihaeata. (When these men were taken, they said to those who captured them, "Wait, who knows whether you will not "be served hereafter in the same way." I dare say William King now remembers this saying.) They were brought to Waikanae, and then on board Governor Grey's steamer. I have no doubt there are pakehas who saw these men whom William King captured. What return does the Governor now

make to William King for these acts? William King always upheld the authority of the Government he always refused to have any connexion with the Maori King up to the very time when hostilities took place at Waitara.

I end here.

From your Friend,
(Signed) RIWAI TE AHU.

34. Here is a document signed by several natives, do you know their handwriting?—There are seven of them whose handwriting I know; I see that the others have put their marks, which accounts for my not recognizing their signatures. The letter is in the handwriting of Riwai Te Ahu.

35. Who are the writers, and how long have you known them?—I have known them all from my first acquaintance with the tribe; there is not one of them under 40 years of age.

36. What do you know about them?—Two of those spoken of, I esteem as being honest and straightforward men, incapable of any want of veracity. But I have no reason to doubt the veracity of any of them.

37. Will you be good enough to compare this translation of that letter with the original, and say whether it is in your opinion a correct translation, and if not, in what part and particular it is incorrect?—I believe it to be a fair and honest translation of the letter.

Letter read.

(*Translation.*)

HOHEPA NGAPAKI AND OTHERS.

MR. SUPERINTENDENT, Waikanae, June 29, 1860.

GREETING—Listen—We wish you to declare these words in the presence of the Governor. We have portions of land at Waitara, within the boundaries of the land which Teira wrongfully sold to the Governor; this land belongs to us, and to those who have been driven off that land; and belonged to the ancestors of us all. We never heard from the elder men, who are now dead, that the land belonged to Ngatituaho and Ngatihinga only, or to the ancestors of Teira and those, whose pedigree he has published with his own, or to his father; and that they gave it to our ancestors and our fathers to cultivate food upon for the ancestors of Teira and his party, or his father, and the fathers of his party.

This is not land newly discovered by Teira, or his party, or his father, that there should be any doubt about our statements (in reference to it), or that they should pretend to such an undoubted claim to that land, or should justify the denial of our claims, and that of those who have been forcibly driven from it. It is not so. The land is an ancient possession transmitted from our ancestors.

We have heard the justification (put forth in defence) of Mr. Parris's wrong act in reference to our portions of land. It is as follows:—"A long time was allowed to elapse; no objections were made "to (the sale) of the land. Mr. Parris, Land Commissioner at Taranaki, carefully inquired in order "to ascertain who were the owners of the land offered to him. Mr. Parris made inquiry, and was "satisfied as to the right." We presume this statement is put forth that all men may wonder at the carefulness of his proceedings; that people may be led to believe that he did really make inquiries! Listen. We are living at Waikanae—one at Otaki. Mr. Parris never came to make inquiries of us as to whether we had lands there or not (nor did any of his fellow Land Commissioners come to make inquiries). He did not even write to inquire. He did not during the whole of that year advertise in the newspaper his wish to ascertain what claimants there were to that land. He did nothing of the kind. One of the Land Commissioners inquired of some persons in Queen Charlotte's Sound; but he passed us by, and made no inquiries of us.

The first we heard was the payment of money to Teira. But we had no doubt or anxiety about our lands; we had no fear that we should lose them, because we were distinctly informed of William King's determination to keep possession of our lands, he being the chief to *protect** our lands there.

The next we heard was the survey, and the arrival of troops to take possession. What opportunity had we of speaking? When there was actual war, then Mr. Parris published a statement, saying that he had made full inquiries.

What we wish to ask is this, What are we to do, who are persons living quietly, and take no part in war, when the Governor wrongfully takes away our lands? Should we look to the Queen; or to whom? We had always thought that the law afforded protection from wrong. We are at the present time wholly at a loss as to what course to adopt.

We conclude here.

This is from some members of Ngatiawa to whom the land above referred to belongs.

(Signed) Na HOHEPA NGAPAKI.
EPIHA PAIKAU TUPOKI, ×.
HENERE TE MARAU, ×.
HUTANA ARAWATIA.
TERETUI TAMAKA.
KIRIPATA PAKE.
Na PATIHANA TIKARA.
PINARAPE TE NEKE, ×.
PAORA MATUAWAKA.
WIPERAHAMA PUTIKI.
RIWAI TE AHU.

[Here Mr. Fitzherbert, with the leave of the Committee, put in the following translation of a Maori letter, the original document being missing.]

* Literally that which affords "shade" in protection, as the *Rata* tree, to the underwood beneath it.

NEW ZEALAND.

Appendix.

(*Translation.*)

R. N. WHITIKAU.

Waikanae, July 9, 1860.

THIS is a letter in explanation of one which Ropoama wrote to Mr. M'Lean, and to which he clandestinely attached our names to make it appear that a large number of people assented to the sale of Waitara.

These men whose names were written in that letter did not consent to have their names written down, nor did they see the letter written which contained their names. Ropoama Te Onee wrote it quite clandestinely in order to have a number of names affixed to his letter to Mr. M'Lean.

I, Ropato Nutana Whitikau, did not see that letter written or my name written; I was here at Waikanae; when I returned to Queen Charlotte's Sound, I asked Ropoama about this letter, and he gave me no answer; I was very sad.

When Inia and others at Queen Charlotte's Sound heard that Ropoama had written their names without their consent in his letter to Mr. M'Lean, Tuia Tuwhata also wrote a letter to Mr. M'Lean to have their names erased from Ropoama's letter to him. The Rev. Mr. Butt took their letter and gave it to Mr. M'Lean, and he received this (that is Tuia's) before he received Ropoama's.

The names of 50 people were written by Ropoama without their consent in his letter to Mr. M'Lean, even the names of people living at Waikanae were written by Ropoama in his letter.

This is ours,

(Signed) ROPATA NUTANA WHITIKAU.
WIREMU TE HONO.

Witnessed, RIWAI TE AHU.
HOHEPA NGAPAKI.
ANARU MAWETO.

38. Who is the writer, and how long have you known him?—R. N. Whitikau. I have known him a long time. He is a leading chief at Queen Charlotte's Sound. I have not had such personal acquaintance with him as with some of the others whose names have been just mentioned. He is a man of considerable note among his tribe. I have no doubt but he was the author of that letter, judging from the names of the witnesses attached.

39. Where does he now reside?—He was lately at Waikanae, when I left Cook's Straits. He usually resides in Queen Charlotte's Sound, where, with the exception of an occasional visit for a few weeks to Waikanae, he has been residing for 20 years.

40. In what sense, so far as you know, did the natives understand the Maori proclamation of Martial Law?—There could be but one opinion as to the effect upon the native mind of the proclamation of Martial Law, as published in the native language. The interpretation so put upon it by all natives who have come under my notice was the same. They were all in a great state of excitement. They looked upon it as a declaration of war, on the part of the Government, against all the natives of Taranaki. The proclamation conveyed even more than that, for the impression it left on the natives was, that it was lawful to take up arms. That was the impression in my part of the country. The mail came up on the Tuesday, and with it a newspaper (the *Independent*) of the previous Saturday, containing the proclamation of martial law. At about half-past nine o'clock several of the natives very unceremoniously came into my room, with a paper in their hands. They may have knocked, but I did not hear them. They asked me, pointing to the proclamation, "What really does this mean?" I looked at it and read the Maori version before I saw the English. I was astonished; but looking above I caught sight of the English, and then, being aware of its import, I said to them that the proclamation was all right in the English, but that the translation was very bad. I said that it was the result of its having been put into the hands of some blockhead who did not know the Maori language. There are one or two English persons in the district who know the native language as well as myself. The natives went to them also, and got from them the same explanations. This proclamation had a similar effect in exciting the native minds over the whole district of Wellington. One of the Europeans was a Mr. Wm. Dodds, the other Mr. Eagar's sons; but of them I am not quite positive.

41. What, in your opinion, is the effect on the native mind of the present Land Purchase System?—I believe that the effect of the present Land Purchase System is the means of creating the principal part of the disaffection throughout the southern half of this Island. I have no hesitation in saying that its proceedings have created the greater part of the disaffection which exists. I do not know whether I should be justified in stating to the Committee that when Mr. Richmond (the present Native Minister) was at Wellington, about two and a half years ago, I requested an interview with him for the purpose of discussing the question. (I beg to be informed by the Committee whether I am out of order in alluding to this interview.) (Hear, hear.) I then expressed feelings of great alarm, and stated that there was a considerable uneasiness and disquietude manifested by the natives in my district. I then pointed out the cause which, in my mind had created it; that it arose from the manner in which the native title was attempted to be extinguished by the Chief Commissioner; that the natives never felt themselves secure; that he was guided by no fixed principles in acquiring the land; that sometimes he dealt with the conquerors, when they were inclined to sell, at other times with the conquered, sometimes with the leading chief, at others with an inferior one; that I had heard of instances in which an inferior member of the tribe had been treated with. Under these circumstances, I pointed out to him the absolute evil there was in continuing the same course. This was in the conclusion of the year 1857. The evil has since been aggravated. The want of a distinct principle laid down to guide the Commissioners in the acquisition of land had been severely felt by the

Natives. They did not know what was the law and what was not. During the last eighteen years, I have never lost an opportunity of communicating my opinion to the Government on that subject, and I have pointed out the absolute necessity of defining what constituted a Native title to land, and not leaving this point to the knowledge or mere caprice of the Chief Commissioner. I pointed out, in several instances, that the blocks of land in which the Native title had been extinguished in my district, and which had become the subject of dispute, would never have occasioned such dispute under a proper scheme of land purchase.

42. Are you acquainted with the circumstances of Rawiri Waiaua's violent death; and what do you conceive led to that event?—That was the first murder which took place at Taranaki, in connexion with the land. It took place in 1844 or 1845. The circumstances which led to it are these:—I was informed that after the proceedings of the purchase of the Bell Block at Taranaki had been completed, a communication was made to the Natives that, in future, all proceedings in reference to disputed lands should be carried on openly, and that Mr. Bell, the Commisioners, had promised that no purchase should be effected without a full and careful investigation of the claims, and that the claimants should be informed that such purchase was contemplated, and that he left a memorandum in the Land Office to that effect. Rawiri Waiaua had been for a few years in possession of a field, claimed by one of Katatore's people—Topia. This man destroyed Rawiri's wheat on that field. Rawiri, in order to avenge himself on Katatore, immediately offered to sell Mr. Cooper, the District Land Commissioner, a piece of land, including some belonging to Katatore, which was, by his own express wish, excluded from a previous sale, because it was claimed by Katatore. Katatore strongly objected to this sale, and frequently warned Mr. Cooper and Rawiri not to proceed with it. But, Rawiri having undertaken to cut the boundary line himself, Mr. Cooper assented. Katatore having heard that Rawiri had undertaken to cut the line, on the following day sent to him to say that he should certainly interrupt the survey, and that he had better come armed, and, that he might do so, sent him some muskets and ammunition. Rawiri, heedless of this warning, went out and began cutting the line. A collision took place. Rawiri and several others were killed. There can be no doubt that this collision, resulting n the deaths of several natives, was brought about through the ignorance of the Land Commissioner more immediately concerned in reference to Maori tenure of land, but by the entire absence of any ascertained or well-defined principles in connexion with this question. I learnt the particulars of this important affair from several natives; but I likewise received information concerning it, while actually on the spot where the collision took place, from Mr. Parris himself.

43. Do you know whether William King took any part in the death of Rawiri?—I believe that the attack on Rawiri was made without the sanction of William King; that he, previously, knew nothing about it; and that he had nothing whatever to do with the transaction. Indeed, I never heard the contrary asserted by anyone.

44. State what you know about the origin of the King movement?—There are some facts connected with it which I have heard dwelt upon in other quarters which I might as well pass over, that I may give my own view of the matter, I may state that the predisposing cause of the dissatisfaction which exists in the minds of the natives of the southern half of this Island arose from a feeling of insecurity, derived from a want of protection and a want of law. Three years ago, when I first had my attention particularly drawn to it, it struck me that the origin of it was the absence of law among the natives and the necessity of some law to govern them. The natives say: "That, as far "as we are able to judge, the law of the pakeha existed only for the protection of the pakeha, and for "those immediately around their districts; but we have been living under British government, and "find that authority will not prevent the outrages of other tribes. The authority of the chiefs who "formerly decided these disputes being gone, the absolute necessity of organizing Runangas forced "itself upon us to protect ourselves, from a feeling of insecurity under British law." Then came the question of land: their dislike to alienate land arises in consequence of the system which has been pursued in acquiring it. This was another cause of accelerating the King movement. I was absent from the colony about twelve months, and on my return I found that the movement had made rapid strides in the south. On my return I met a personage (whom, perhaps, I ought not to mention here) at Otaki; the first question I asked was, "What was the state of the King movement?" The reply was, that it was fast dying out; that the Waikato who first originated it had given it up. I replied that I was surprised at this, as I found it growing at Otaki. Mr. McLean, who was also present, then said, that the natives in the south had picked it up as a child did a toy that had been thrown away. The progress of the King movement is to be attributed, in my opinion, to the action of the Land Purchase Department in the southern part of this Island.

45. What do you conceive has been the effect on the natives of their being permitted to wage wars without the interference of the Government? and also of the principle laid down by the Governor that he would only repress native outrages *inter se*, if committed within the boundaries of lands belonging to Europeans?—I slightly alluded to this in answering a previous question. I may state my opinion positively and distinctly, that nothing could be more calculated to alienate the feelings of the Natives, than the practical denial of Government protection, and the entire duty of protection being cast back upon the chiefs. Nothing could have tendered more thoroughly to alienate their feelings than that. When murders have been committed and the parties have applied to the Government for protection, they have been plainly and distinctly told that they must protect themselves. This has compelled them to establish an organization for the purpose of punishing criminals. The greatest step towards alienating the feelings of the Natives from the Government was taken when they were denied the protection and the justice to which they clearly had a right. When Natives are told that they may carry on a war with one another, in order to protect themselves, I am not surprised that they should go up and down with arms in their hands, and that they should lose that respect for the Government which they otherwise would have had.

46. Do you know in what light the Natives of the South regard the Taranaki war, that is, whether they regard it as undertaken in vindication of the Queen's authority, or if not, in what other light?—All of those with whom I have conversed, and who are acquainted with the facts of the case, being in some instances near relations of the persons concerned, having themselves resided on the land at Waitara, are of opinion that the war was not undertaken with the view of vindicating the authority of the Queen, but they state positively and distinctly that it was a sheer act of spoliation.

47. *Mr. Richmond.*] Have you made yourselves acquainted with the different ancestral stock (or *takes*) of the Ngatiawa?—I don't profess to know anything about them, I am not prepared to answer that, though I may know something about them.

48. Have you ever conversed on the subject of ancestry with any of the Ngatituaho of pure blood, such as Raru or Raupongo?—I have had conversations with them on these subjects when I was in a pah with four or five hundred of the Ngatiawa tribe, and have since conversed with others on the subject, I am at a loss to give a more definite answer to that question. I have often conversed with the head of the Hapu—Te Patukakariki.

49. Does your last answer apply to the descent, and the Land Claims at Waitara, of the Ngatituaho?—Certainly not, I have not seen or spoken to Patukakariki for the last sixteen years.

50. You say that there are four Hapus under King—have they equal right to the South Bank of Waitara?—I think they have.

51. What are the grounds of your opinion?—I ground it on the evidence of living witnesses.

52. Is your opinion derived from conversations subsequent to the present dispute?—I have it on the authority of those persons with whom I have conversed on the subject, and who have objected to the sale of land at Waitara.

53. Prior to the present dispute have you ever had conversations relative to the respective rights of the four hapus to the south bank?—I have previously stated that I believe in the fact of the tribal right of Wm. King; having stated as much distinctly, it is a question in which I take no interest, as I think it irrelevant. I have had conversation on the subject, and I do not believe that any separate rights exist between Ngatihinga and Ngatituaho on the one side and Ngatikura and Ngatitenuku on the other. The various hapus, through former intermarriages, are so mixed up with one another that it would be impossible to distinguish among them. It is impossible to give either an affirmative or a negative to a question which you can neither believe nor disbelieve. The question is perfectly unintelligible and irrelevant.

54. Has King or any of the Ngatikura ever cultivated on the disputed block?—I am not aware that they have cultivated any part of that land since their return, but his tribe have in former times cultivated there. When I was at Waitara his cultivations were almost exclusively on the north bank.

55. Can you say if any of those cultivations were within the disputed block?—I do not know from personal knowledge.

56. Where was Reretawhangawhanga's Pa before the migration?—I do not know; he principally lived at Manukorihi; I am not certain that his pa was there.

57. Was there a pa on the disputed block before the migration?—I do not know.

58. Have you ever heard that King asked permission of Raru to build a pa on the south bank, and do you believe that he did so?—I have heard so. I believe I know the reason why he asked permission. On their return from Waikanae they were all rather anxious that they might be on the safe side of the river, as they dreaded that the Waikato would return. This fear was more particularly expressed by Tamati Raru, who thought that Wm. King might as well occupy their side of the river. The reason of his making it a request was not on account of his having land there, for there was within a few chains the land of his brother-in-law, but he desired to build the pa a few chains nearer the river than it would have been on the land.

59. Who is the head of the Ngatituaho?—Undoubtedly Te Patukakariki.

60. Do you know Ropoama te Onee?—Yes, I have known him for the last 20 years.

61. What is his rank in the tribe?—He might possibly rank as a chief, but most certainly under Te Patukakariki.

62. Are you aware whether Ropoama has consented to the sale?—I am not personally aware whether he assented to it or not. I have heard so many contradictory statements. Ropoama had a personal quarrel with Wm. King's brother, and would have gladly co-operated in anything likely to annoy Wm. King. I have heard reports that some payment had been made to Ropoama which he now wanted to return; also that the Chief Commissioner had offered him 100*l.* for his claim to the disputed land at Waitara. I never heard that he approved of the sale, but on the contrary that he positively refused to be a party to the sale. I have this on very good authority.

63. Are you acquainted with the details of negotiations for land in the New Plymouth district since the disallowance of Spain's award?—I have read the documents laid on the table of the House, and have heard a good deal, but living 200 miles from the spot, I could not say that I was acquainted with the details.

64. Of whom was the Bell Block bought?—Principally, I believe, from returned slaves from Waikato, so I have been informed.

65. Of whom was the Hua Block bought?—I do not know.

66. Of whom was the Tarurutangi bought?—I do not know.

67. To what hapus of the Ngatiawa do Riwai Te Ahu, Hohepa, and the Waikanae claimants belong?—Riwai belongs to Ngatikura and Ngatihinga: the other claimants to the same hapu.

68. Did William King receive any payment for Mangati or Bell Block?—I don't know whether he did or not.

69. You say King is the head of four hapus, where is the territorial boundary of these four hapus?—I am not acquainted with the boundaries of the land owned by those four hapus, of which

William King is the head. I have only been for a few days at Taranaki of late. I have never professed to be acquainted with the boundaries.

70. Did King receive a payment from Colonel Wakefield in 1839, and for what?—I believe that William King received no payment in the year 1839. I presume the question has reference to a deed which is published and to which his signature is attached. I was rather surprised to see that document relied upon, but I am aware that King received no payment or anything for Waitara. He may have picked up a few figs of tobacco on board the "Tory." In reference to the award of Mr. Spain, he distinctly informed me that when he looked at the deed he treated it as waste paper, and told me that there had been no award made under that deed. I was requested by Governor Hobson to attend a meeting, at which were present the late Chief Justice, the late Attorney-General, Mr. George Clarke, Colonel Wakefield, and others, who were about to examine this deed. On that occasion, I suggested that as the deed was drawn up before this was a British colony, and in the English language, that it was probable the natives did not understand it. The person who interpreted it to the natives was sent for. This person was Mr. Brooks, who afterwards lost his life at the Wairau. He was sent for, and asked to interpret it. After stammering for some minutes it was found that he was utterly unable to translate a line of it. It was consequently considered as of no importance. Colonel Wakefield told me that he never had any intention of taking possession of any land under that deed, and it was only intended "to throw dust in the eyes of the Sydney land sharks," that he might keep them away, or that if they came he could assert a primary claim to the land, which would invalidate any other claim. William King received no payment or any compensation, except what he may have picked up on the deck of the "Tory."

71. (*Mr. C. H. Brown.*) Are you aware of any cause of personal enmity between Teira and William King prior to Teira having offered the land in dispute for sale?—I am. I have been informed that Te Tiera bore enmity to William King on account of a girl who was affianced to his brother, having been married to William King's son.

72. Do men of high rank sometimes descend in rank—"*Neke te tupu?*"—A man of good descent, even of the best blood of the tribe, may lose all rank in the tribe, and be treated simply as a *tutua*. The law of primogeniture does not exist among them in reference to chieftainship.

73. Would he lose his claims to land by that descent?—A man would not lose his claim to land by becoming a *tutua*. His title would not be affected by it. What he would lose would be his rank and position in the tribe.

74. What was King's conduct, with regard to the King movement, up to the time of the dispute about the land at Waitara?—He always decidedly objected to have anything to do with the King movement. When I saw him, three years ago, he repudiated all connection with it. And up to last January he decidedly refused to have anything to do with it.

75. Can you state positively whether or not Wiremu Kingi belonged to any land league extending beyond the Ngatiawa tribe, previous to the dispute about the land?—I must guard myself in answering this question against being misunderstood, and must first know what is meant by the "land-league"—whether it is to be taken in its extended or limited sense—if in an extended sense I should have to give one answer—if in a limited sense, another. If it is meant by a land-league that he exercised influence over tribes other than his own I must deny that he did so, as I am fully convinced that Wm. King never did endeavour to exercise any influence over foreign tribes, and that he has used no influence beyond his own tribe. In this limited sense, that is in reference to his own tribe, only he may be called a land-leaguer. But I can see no connection between this question and the subject of the Taranaki war.

76. (*Mr. Sewell.*) Do you know whether Wm. King had any opportunity offered him of stating his claim to the Government officers, or to the Governor himself before the military force was brought into action?—I presume he had innumerable opportunities; he might have written by every post. He had an opportunity of meeting the Governor after the publication of martial law. (After further conversation between Mr. Sewell and the witness, witness said) I must then confess myself unable to understand the question.

77. (*Mr. Gillies.*) Have you any influence with the natives in your neighbourhood in guiding the formation of their opinions on secular not on religious matters?—I am not aware that I have any influence whatever on the subject.

78. Have you assisted in guiding the native opinion to the result stated by you "that the present war was not to assert the Queen's supremacy but a war of spoliation?"—I certainly did not. In fact my opinions on those subjects have been formed since theirs.

79. (*Mr. Richmond.*) On what authority do you state that there are 90 claimants on the block at Waitara and only 10 or 11 claimants consenting?—What I have now stated on this subject rests on the assertions of others. I am here as an unwilling witness in the case before the House, unprovided with direct proof. I am but a secondary witness; I have founded my convictions upon statements made to me by the natives themselves, but I do not know what is considered conclusive to the Committee. I am unable to state to the Committee all the grounds on which I have formed opinions. I do not know whether I fully understood the question.

80. Is William King one of the ninety?—I have before stated that the right of the tribe extends over the whole of that block, therefore he is one of the claimants.

81. Has William King ever made a proprietary claim?—I hear that he made a proprietary claim to a portion of the block. It would be impossible for me to say what it is, as I understand that the boundaries of the block are undefined. I have heard that about sixty acres on the south bank had been left out as belonging to William King. It is utterly impossible for me to state, without the boundaries being defined, what portion of his claim is within the block and what without it. His son has a claim within the block.

82. What proof have you that Hamere Ngaia has a claim on the block?—I before stated that I am unable to produce all the evidence which I have had, but I may state to the Committee that an old man, who resided at Waitara forty years, pointed out to me when I was at Waikanae, portions of the land which belonged to William King. Several other natives confirmed that statement.

83. Are you aware whether any act of ownership was ever exercised by the Waikato upon the block?—Certainly none that I acknowledge to be an act of ownership.

84. Do you know of any Waikato native, except Peketahi, who lived at Waitara?—I do not know that any other lived there, in such a sense as to establish a title.

85. Are you aware whether William King asked permission of Potatau to return to Waitara?—I remember Potatau visiting him at Waikanae. I do not believe that King asked permission to return to Waitara. They had nothing but a friendly conversation. I do not believe that he did ask, for if he had, it would not have escaped me. I never heard that he did. He may have applied by letter to Potatau, asking his leave to return.

86. Were you at Kapiti or Otaki when the "Tory" was first there?—I was neither at one nor the other.

87. That was the time when the Queen Charlotte's Sound deed was executed, and when any payment to W. King would have been made?—When the deed was executed the payment would be made; no payment beyond a few presents was ever made.

88. On what authority do you state that there was no investigation of the absentee claims?—I am quite certain that none was made at Waikanae. It must be generally understood that my evidence in reference to this dispute is derived chiefly from the chief Hohepa Ngapaki and Riwai Te Ahu; I have had information from others, but I limit myself to these two.

89. (*Mr. Fitzherbert.*) Do you believe that if you were permitted to summon native witnesses from the south, you could substantiate by direct evidence the statements you have made before the Committee where requiring direct confirmation?—Yes, I think I could substantiate every one of the statements I have made relating to the natives at Waitara. I am quite sure I could substantiate all of them.

Ordered, That the witness be now discharged from further present attendance on the Committee.
The Venerable Archdeacon accordingly withdrew.

Mr. Commissioner Donald McLean in attendance.
Ordered, That Mr. McLean be introduced within the Bar, and be permitted to seat himself.
Mr. McLean was then introduced by the Serjeant-at-Arms.
The witness proceeded to make the following general statement.

STATEMENT.

WITH reference to the question I have been called here to explain—the purchase of the block of land at Waitara—I have to state, that several years previous to the purchase, I travelled over the district in company with some natives, King's own brother being one of the party, and they pointed out to me the respective claims of the different *hapus* or subdivisions of the Waitara tribes. This was in the year 1847, when the natives were willing to dispose of their interest in the land at Waitara. The Government did not at that time go on with the purchase; Wm. King was expected to come back from Kapiti. His own claims and those of his immediate followers were represented by the best possible evidence (that of his own brother) to be almost exclusively on the north bank of the Waitara river. It was stated to me by old men well acquainted with the circumstances (that speaking as natives do of these matters, when referring to the several generations of owners), that King's own ancestors were but comparatively recent occupants even there. In 1848 Wm. King and his party returned to Waitara. It was their intention to occupy the north bank of the Waitara. But in consequence of some difference which one of his brothers had with a native chief at the south—Ropoama—he designed to possess himself of a portion of the land at Waitara belonging to Ropeama. About three years beforeTeira's block was offered to the Government, Wm. King, who was permitted to reside on part of it, had been extending his encroachments so far that one of the actual or rightful owners of the soil becoming alarmed, determined to dispose of his land altogether by sale to the Government. He was not able to carry out his resolution at that time, being laid up with illness. He made up his mind, however, that he would at the first favourable opportunity dispose of his right to the Government. He afterwards attended a meeting at which about 80 persons were present—amongst them Wm. King, who was well aware of his intention, and he there stated distinctly that he had determined to sell his land. Wm. King objected, and counter meetings were held. The resolution of this native was not to be changed. Conscious of his right he attended every public meeting which was called to discuss the question. He went to one which was held 15 miles north of Waitara, and there insisted on his right to dispose of own property. As far as I can learn from the reports I have received of this meeting, no one stood forward to oppose this man's claim with the exception of King himself. Many endeavoured to persuade him not to alienate his land, but no one disputed his right to do so. Teira is the name of the native to whom I have been referring. Several of his friends and relatives in remote parts of the country had been in constant correspondence with him on the subject previously to the offer of the land to the Government. The majority agreed to the sale—some few opposed it. He made the offer of his land to the Governor in the most public and open manner, having first given full notice to all the opponents of the sale of his intention to dispose of the land. At the meeting held on that occasion Teira asserted his right to the land, and no one seemed able to deny it. He afterwards offered it to the Governor, giving the usual warning:—"My friends, all of you know that I am about to part with this land. There is a great portion of the territory

which we own conjointly which I shall not interfere with. That I have excluded." He then, in the presence of the whole assembly, proceeded to name the boundaries of the offered block, and continued —This, which is the property of these two tribes, the Ngatituaho and the Ngatihinga, I here make over to the Governor. The Watkato title to Taranaki was universally admitted by the natives at the time of the conquest; many acts of ownership over the soil had been exercised by them. The land was divided among the conquering chiefs, the usual custom of putting up flags and posts to mark the boundaries of the portions claimed by each chief had been gone through. Any occupation of the land by the Ngatiawa at that period was entirely out of the question, but those natives who were released from slavery from time to time were permitted by Waikato to occupy, but those who had fled to the south were not allowed to return, and they were distinctly warned that if a return were attempted it would be the cause for fresh war against Ngatiawa. The Waikato right was thus established as a right of conquest, and was fully admitted by the Ngatiawa themselves; who, on each occasion when they sold a portion of land at Taranaki sent a part of the payment to Waikato as an acknowledgment of conquest or of the right of *Mana* possessed by the Waikato chiefs as their conquerors. In this view of the question it is quite evident that the Ngatiawa title had been superseded by the right of the conquerors. And though, in course of time, the parties who fled to the shores of Kapiti, and those who were taken captive were gradually permitted by Waikato to return, it was generally on the understanding that they were to recognize the superior rights of the Waikatoes over the territory. The natives who first returned were from the Ngatimaniapoto country. They were permitted to return and did so, with this injunction from the Waikato chiefs, who released them, to go and occupy the land but to take care and send them some of the fruits of it, which was accordingly done. In several cases returned slaves were afterwards invested with a right to the soil. About this period the New Zealand Company was making its purchases of land for carrying out its scheme of colonization. The Taranaki question thus became mixed up with the various claims adduced by the natives who had been driven off it. The agents of the Company who came out to establish settlements in New Zealand first attempted to purchase from the fugitives, who fled to the south and who were glad of an opportunity to dispose of land to which their title was at best but precarious, and accordingly they readily took such compensation as was agreed upon between themselves and the New Zealand Company's Agents for the surrender of all their rights. I think it necessary to state here that although for the most part these purchases were not fully comprehended by the natives at the time, yet that William King, whose name is now so frequently referred to, and who was more intelligent than many of the other natives who at that time claimed the ownership of the soil, took a very active part in the transactions and the disposal of the rights of the tribe. He visited and advised with several of the subdivisions of the Ngatiawa in Queen Charlotte's Sound about a sale of Waitara and other portions of the Taranaki district. He afterwards gave every possible assistance to the surveyors who shortly after the purchase proceeded to Taranaki to subdivide the land. He was well aware of the object of their visit and gave them letters of introduction to the few natives of the Ngatiawa tribe who were then residing at Ngamotu. A second sale of the whole country was originated by the natives of the south, and they despatched some of their chiefs to Taranaki to aid in completing the negotiations. This was effected in the course of a few months and afterwards the New Plymouth Settlement was established; payment having in the meantime been made to the Waikato chiefs for their rights. The difficulties in which New Plymouth was placed at the time when these arrangements were made to which I have been referring, were of a very peculiar kind. Natives from all parts of the island north and south, who had originally lived in the district, were preferring claims to the land. In order to settle those claims on a satisfactory basis, I was instructed by one of the Governors of the Colony in the following terms:—

Memorandum of an Arrangement proposed to be entered into with the Native Land Claimants in the Taranaki District.

It is proposed that the whole of the natives having claims to land lying between Ngamotu and the Waitara (with the exception of the Puketapu natives now resident within this block) should, if possible, be induced to abandon their claims without further inquiry, and to locate themselves on the north bank of the Waitara.

These natives may be divided into two class—

These now resident on the north bank of the Waitara.

Those who are shortly expected to arrive here from the southward.

It is proposed that the first of the above classes should be induced to agree to abandon their present cultivations within a period of three years, and then to remove to the north bank of the Waitara, if they remain within this district.

The second class should be induced to proceed at once to the north bank of the Waitara, there to locate themselves on such sites as they may select—relinquishing all pretensions to any lands to the south of that river.

This arrangement is regarded as one in every respect so likely to promote the future peace and prosperity of the country, that the Government, in order to induce the natives to accede to it, will offer the following advantages to them.

It will, without further inquiry, admit the claims of the parties acceding to this arrangement, to the lands lying immediately to the north of the Waitara.

Upon all pretensions being at once relinquished to all lands to the south of the Waitara, the Government will, without further inquiry into such pretensions to these lands, admit that from the prompt settlement they are making of this question, they are entitled to such compensation as may be agreed on between themselves and the officer of the Government.

NEW ZEALAND.

Appendix.

The Government will then also recognize and permit them immediately to dispose of their claims at Waikanai and Totaranui for such compensation as may be agreed on.

The compensation in both cases to be paid in annual instalments, spread over a period of not less than three years.

The Government will survey regular village sites on the north bank of the Waitara for native villages, at such points as they may select, and will endeavour to see that the amount of compensation paid to the natives shall be so expended as to secure their permanent advancement in civilization and prosperity.

This is the general outline of the instructions I received from Sir George Grey in 1847. They can be referred to in the Blue Books, or as recorded in the Government offices. This was the view then taken of the Taranaki question. In accordance with those instructions, arrangements were made from time to time with the natives resident on the spot for the satisfaction of their claims. Absentee proprietors had to be treated with separately, and on a different scale from those who were actually resident on the spot; and the Government of that day went so far as to say that where the parties concerned did not agree to a reasonable arrangement for the cession of rights which they had almost entirely forfeited, their claims of ownership to the soil should not be recognized.

With reference to the particular block under consideration, the claims of the actual owners were carefully inquired in. Notice was given publicly at the time of the purchase to such absentee claimants as were known to have a right to the soil. It was not considered necessary to go about the country to rake up claims, or to induce natives to prefer them. It was well known that when any block of land was offered for sale, there was no hesitation on the part of claimants to come forward to receive that portion of the proceeds to which the extent of their claims might entitle them. The sale of any land in the country soon becomes known throughout it, from one end to the other, and it is often found that 100 fictitious claims are adduced, when the actual owners altogether do not exceed 30 or 40 persons. There has been a great deal said about unsatisfied claims in different parts of the country, but my own conviction is that many of those claims have been manufactured. At all events, I found that in the course of a few months after the time of the first offer of the land, and my notification of it to the tribes at the south, several parties were adducing claims who had never previously done so. It is notorious that if any native thinks he has any chance of obtaining money for land, it is an easy matter for him to assert a claim. There are various motives which impel him to do so: one is the love of being considered a landed proprietor; another is his love of gain. The principal difficulties which have to be contended with in acquiring land from the natives arise out of the necessity of insisting on proof of such merely asserted claims, and of excluding those who fail to substantiate them from participation in the money paid for the land. I know of instances in which the most frivolous pretences have been used to justify such demands. I have found natives, after attempting to substantiate an asserted claim to land, and failing to do so for want of a good title, evince great disappointment at their defeat. On one occasion a native actually came to me and with the greatest coolness asked whether (since he had failed in his first attempt) he could not bring forward a claim to an island in the South Seas, from which his ancestors had come 600 years ago. The idea was absurd. I asked him whether he really meant what he said. He replied that he did. I told him he might as well have preferred a claim to a portion of the moon. His reply was that he was descended from Hawea o te Marama. Finding, however, that it was useless to prefer a fictitious claim, he gave the question up. I allude to this circumstance to show that too much attention to merely asserted claims may entail considerable inconvenience, danger, and expense to the country. I do not wish to throw doubts upon any just claims of theirs, and am fully aware that every acre of land in this island, not acquired by the Crown, is their property, In the case of this purchase, the river on which the land is situated is a place to which the natives have been much attached, and which many of them were latterly indisposed to alienate. But I quite deny the assertion which has been made here this day that there are 80 persons at Waitara who have claims to this block of land. If there were 80 claimants there besides those at Waikanae, Port Nicholson, and Queen Charlotte's Sound, they never made their claims known, and the ancestors of many of them were never known to have claims there. Had there been 80 claimants, I believe the invitation given to the chiefs soon after the Governor's visit to Taranaki to put in such claims would have been sufficient to bring them forward. That invitation was dated March 18, 1859, and was to the following effect:—

FRIENDS—CHIEFS OF WAITARA, Nga Motu, March 18, 1859.

Salutations. This is a word of mine to you. That you should make clear your portions of land lying within the block which has been ceded by Te Teira to the Governor.

You know that every man has a right (of doing as he pleases) with his portion, and no man may interfere to prevent his exercise of this right as respects his portions, for the thought respecting his own is with himself. This is a word of mine to you lest you should, without ground, interfere with Te Teira and Te Retimana's portion, as they have consented to sell their portions in the presence of the people and in open daylight; and the arrangements with him respecting his (land) will shortly be completed. We do not press for what belongs to others, because the thought respecting his own piece is with each. Now, do not you be displeased with him without a cause, for his arrangement will tend to make matters clear.

(Signed) DONALD M'LEAN.

To Wiremu Kingi Whiti, Wiremu Nga Waka, Patukakariki, and to all the men of Waitara.

This invitation was given to the natives to bring forward any claims which they might possess; but none was ever asserted, except the general claim of an anti-land-selling league, which grasped at the *mana* of the whole of the extensive territory between Waitaha and Mokau, although this same land had been ceded to the Government. The rights of Retimana and others were fully recognized. It was admitted that the land was theirs, and that their title could not be disputed. Indeed, it must have been evident to any impartial person who witnessed the proceedings, that the parties selling the land were confident in the justice of their cause, and were determined to carry out the sale, notwithstanding the anti-land-selling league and the King movement. The whole of the purchase previously made at Taranaki had been effected on the same principle as the present one, namely, that of acquiring the land from the different clans and subdivisions of those clans which came in from time to time to offer it. I never, during my residence there, heard of any of the pretended claims that have since sprung into existence, in the imagination (not of the natives themselves, who are most interested, and whose imaginations are easily worked on, but) of persons who have a false sympathy instead of a true one with the natives, in matters affecting their real welfare. There was no urgency displayed in this matter, no desire to hasten it, but ample time was given to all parties to put forward their claims; and not only was there ample time given, but claims were solicited and hunted up in every direction in Taranaki itself. Yet, with the exception of the two tribes who sold the land on the banks of the Waitara, and another tribe on the banks of the Waiongana, who were joint claimants to a part of the block, no substantial claims were put in. If I were to say that no other claims were adduced I should be wrong, but I mean no substantial claims, no claims that could be recognized by the Government, or which would be regarded by the natives as valid. Certainly one man told me that his grandfather had once lived a short time on the land, and that he therefore expected compensation. Another told me that in one of their fights he was wounded, and suffered great inconvenience there, and therefore thought it was right that he should have some consideration now that the land was sold. Now, this is the class of claims of which I have just been speaking, which it is clearly the duty of the Government to resist, as otherwise it would be an utter impossibility to carry out any purchase of land without defrauding the real owners. By compensating this class of claimants, the real owners would be deprived of what they are fairly entitled to, and merely because the Government chose to recognize fictitious claims of this character. What I maintain on the present occasion is, that the actual owners of the soil, the men known and recognized as such, have been conferred with, and their consent to the sale obtained. With respect to the offer of this land to the Governor at Taranaki, I may state that great pains were taken, both previously to and after the offer, to inquire who the real claimants were, and to settle with them. And here I should not omit one important fact, that in settling with them a section of the Puketapu tribe, which is located in the vicinity of the Waitara, was associated with Taylor, Retimana, and others in effecting this sale. These men were exceedingly jealous of the offer when it was first made, and were on the eve of protesting altogether against the sale of the land. Their claims were at once admitted by the selling party, but it was rather difficult to effect a satisfactory arrangement at once between the parties. It happened that they were too distinct, and it was this which caused the difficulty. During the investigation which took place, and while the difficulty was being adjusted, I felt convinced that the claims then preferred by these conflicting parties were substantially good, and that in fact the sale must be proceeded with, or otherwise the natives who had offered the land would be treated with great injustice. The officer whom I instructed to conduct the negotiation (Mr. District Commissioner Parris), was requested to persevere in his inquiries into the matter from time to time; not in any way to hasten the arrangement, but to give full opportunity to opposing claimants to come forward and state their case. He not only did this, but he also took a great deal of trouble in visiting, as far as lay in his power, every part of his district, to make sure that there should be no substantial claim overlooked. I have already stated that there was a public notification from myself inviting all persons who had claims to bring them forward, in order that they might be carefully investigated. No fresh claims were recorded however; no rights were shown by the natives who opposed the sale, except the right which the land-league conferred upon them, that of claiming land everywhere, and of opposing the sale of land everywhere. In the officer who conducted the negotiation I place the most implicit reliance. He was on very friendly terms with William King, and was universally liked by the natives of the district. He was instrumental, I am almost certain, on one occasion, in saving the life of William King, when a trap had been laid for him by Ihaia and a party of Wanganui natives. It was with great regret that I heard this officer's character assailed—a man who has taken such an interest in the welfare of the natives of his district since he has been there, and who has used all his influence to prevent the disgraceful feuds continually being carried on in the district, frequently with the greatest success; and who has, in carrying out these duties, more than once run the risk of losing his own life. I regret exceedingly to find a public officer, who devotes his time to the interests of the community in which he resides, stigmatized in the manner in which Mr. Parris has been. I should have much preferred that any reflection in connection with this purchase should have been at once directed to myself, by whose instructions it was carried out; I should have preferred this, to hearing an officer thus stigmatized who is certainly worthy of a better reward.

I passed over from Taranaki, where the transaction had been so far initiated, and went almost directly to the natives in Queen Charlotte's Sound, who were claimants to this block. I had a meeting of them at Waikawa, having first intimated to them by letter that I was coming, and the whole of the natives there, after a careful inquiry into the extent, position, description of boundaries, and the rival claims of the natives, agreed to sell their own interest in the land, besides a considerable extent of territory lying beyond the boundaries of the offered block. I devoted as much time as I was able to this investigation. I knew that these were the real claimants, and I found a great deal of unanimity among them about the sale of the land. (In reply to Mr. Fox.)—The date of my

letter to them is the 9th of April, and the interview took place on the 12th of April 1859. The Chief Ropoama, who offered to dispose of his claim, was recognized as the head of the *hapus* or subdivisions of the Ngatiawa tribe, who owned the land and sold it. He holds a high position among his people, and is much respected by the Europeans. On several occasions it was contemplated by the natives of Waitara to invite him there, and to live among them as their chief, to keep peace and order in the tribe. In this arrangement Wm. King (about whose chieftainship we have heard so much, and who undoubtedly was a chief of the section of the Ngatiawa at Waikanae) acquiesced. No actual payment or promise of payment was made to the natives at Queen Charlotte's Sound at that time. When they informed me that they had agreed to sell the land, my reply to them was, that they had better wait until matters had been finally arranged at Waitara, as I should not feel myself justified in concluding the purchase with them till then.

'Having arranged with them that they should be paid after matters were settled at Taranaki, I left Ropoama's place for Wellington, where I notified to the natives what had taken place with reference to Waitara. I had previously ascertained the names of the Wellington claimants to the land. I consulted them about it, and made similar arrangements with them to those which I had made with Ropoama, that they should be paid when the block was settled for at Taranaki. I believe that one or two of Ropoama's people were at Waikanae at that time, and he promised to see them on their return, and to endeavour to arrange matters with them with respect to their claims. It has been recently stated that, in addition to these persons who are known and recognized as the actual owners, claimants are to be met with at the south as numerous as a swarm of bees; but I think that those who say so, would find very great difficulty in establishing anything beyond mere assertion of right to the land comprised in the Government purchase. Knowing how scattered the claimants were, and the difficulty of getting them all together in any one place, at any one time, I was a long time pursuing investigations before I myself came to the conclusion that the purchase was quite satisfactory; but the more I inquired into the case, and came into contact with impartial natives residing at a distance, and having no particular interest in the locality, the more I became satisfied that the purchase was a good one. There may be one native at Waitara, not a party to the transaction, who I admit may yet have a claim to a small portion of the block, but he has never asserted it. I cannot tell the exact quantity; it could not be large; indeed, I am not sure that he has not relinquished his claim in the block, if any existed, in exchange for some lands in the vicinity of the purchased block which Teira gave up to him, as the latter owns a considerable quantity of land there. There may have been some such accommodation between them—at any rate Patukakariki has never asserted any proprietary right. Besides ample time having been given, a notice was inserted in the receipt for the first payment to the following effect:—

[*Translation.*]

The Governor says that if any man brings forward a just claim to any portion of the land included within the boundaries written in the deed, and is not willing that his portion or division should be sold, such portion will be marked off, and he will be allowed to retain it.

A true Extract.

H. T.,
For Native Secretary.

By this it will be seen that it has always been left open for parties to come forward and substantiate just claims, but very few who have availed themselves of the opportunity given them have established any reasonable claim, such as one founded on having occupied land within the last 50 years. I believe that most of the difficulties and opposition which has been met with in pursuing this purchase have originated entirely with the anti-land-selling league. This league I first heard of as having commenced at Otaki. The natives of that place assured me that they had very good advice on the subject, and that they had resolved not to dispose of any more land to the Government. This league kept gaining ground for some years, until a general meeting took place in the Ngatiruanui country, where the natives pledged themselves not only to sell no more land, but to take the life of any one who should attempt to do so. This meeting took place about seven years ago. It was also resolved at this meeting of the natives that they should entirely repossess themselves of lands already alienated by them, and drive the European settlers into the sea. The subsequent murders, involving the deaths of Rawiri, Katatore, and others that have taken place at Taranaki, have been the result of that league and the confederacy at Manawapou, and there is very little doubt that the settlement of New Plymouth, since the formation of this land league, has been in a very perilous position. It has been stated that this has arisen in some measure from the defective system of acquiring land which has been in operation, but I feel satisfied that such is not really the case. I can refer to very many circumstances connected with purchases of land in different parts of the country where native life has been saved and wars and quarrels averted, which might have involved the Europeans. This has been done by purchasing from the conflicting parties the land which was the bone of contention, on terms which they themselves perfectly understood and appreciated. I know it is wished by some to create an impression—and the venerable gentleman who was examined previously to myself has tried to make it appear that the land purchases at the south have produced dissatisfaction. The purchases to which he probably refers, viz., those at Rangitikei and in the Middle Island, were carefully conducted. I can refer to the whole of the purchases between Otaki and Wanganui as having been acquired from the true and rightful owners. It was perhaps the misfortune of some of the proprietors that they did not belong to the same denomination as the venerable archdeacon—and this in a great measure, at least to me it appeared so, formed in his estimation a bar to their claims. Reference has been made to land being at one time

bought from the conquerors, and at another from the conquered. These two grave offences in the instances alluded to, happened to be purchases made from natives of the Wesleyan denomination. I will defy (beyond probably a trifling dispute about boundaries) any person, however high an authority he may be in native matters, to challenge the validity of these purchases, or the mode in which they were brought to a termination.

I believe I have now stated generally to the Committee what I have to say with reference to the purchase at Waitara.

1. [*The Hon. Mr. Richmond.*] Had the Ngatituaho and Ngatihinga a right to the disputed block, independent of the *hapus* of the Ngatiawa?—Yes; decidedly.

2. Do the sellers, including Ropoama and his people at Queen Charlotte's Sound, properly represent these two *hapus?*—They do.

3. After the inquiry you have made, do you know of any outstanding claim?—I have referred to one man who may have a claim, that is Patukakariki, though I do not know that he has.

4. Do you believe that any considerable claim can be outstanding?—I do not.

5. As to Te Patukakariki, did he oppose Teira's offer?—No, he never did.

6. Has he ever made a claim?—He never, to my knowledge, made a claim to that particular block.

7. Do you think he possibly has a claim to any extent?—I think he may possibly have a claim to a small extent.

8. Do you consider that Riwai Te Ahu has a valid claim to any part of the block?—I do not consider that he has.

9. Has King ever made a claim of proprietary right?—William King has never made such a claim to my knowledge.

10. Under the peculiar circumstances of the Taranaki case, had King, in your opinion, any right to interfere with the sale by another *hapu* of their lands?—Decidedly he had not.

11. Has any similar interference by the chief been recognized in Taranaki, either in favour of King or of any other?—Never in connexion with any of the purchases made there.

12. Having regard to previous transactions, do you consider that the Government ought to recognize any but proprietary claims in Taranaki?—I do not think the Government should recognize any but proprietary claims.

13. [*Mr. J. C. Richmond.*] Will you inform the House of the relations which subsisted between Mr. Parris, Land Purchase Commissioner at Taranaki, and the Puketapu chief Katatore (or Waitere) at the time of the murder of the latter?—The relations which subsisted between them were of a most friendly and even intimate character. And I know that Mr. Parris much regretted Katatore's death.

14. Does anything in those relations justify the statement that Mr. Parris was glad of the death of Katatore?—No, quite the reverse.

15. Are you aware whether on any occasion, and when, it happened that Mr. Parris defeated an ambush prepared for the destruction of W. King and his party?—I am aware that he did defeat such an ambush in 1848, when Ihaia and others were seeking William King's life.

16. Would it be possible for Mr. Parris to refer to that event in conversation with W. King without insult to that chief according to Maori ideas?—Quite possible.

17. Do you think the words naku koe i ora ai, alleged to have been used by Mr. Parris, could properly and inoffensively, according to Maori ideas, be used in reference thereto?—Certainly.

18. [*Mr. Williamson.*] I wish to call your attention to the instructions to District Land Purchase Commissioners, which appears as No. 1. of E., No. 3. of the "papers relative to the native insurrection," and to ask if you are aware whether or not Sections 1, 2, and 4 of those instructions have been attended to, with reference to the land offered by Te Teira?—They were fully attended to.

Sections referred to:—

1. In order to facilitate your negotiations, it will be necessary for you to study with great care the history and genealogy of the Taranaki tribes, from their early location at Ngapuketurua, on the banks of the Waiongona River, up to the date of their dispersion and conquest by the Waikato; also to make yourself acquainted with the subsequent migrations, intermarriages with foreign tribes, and other changes affecting title, that have occurred amongst the Ngatitama, Ngatimutunga, Ngatiawa, Ngamohi, Taranaki, Ngatiruanui, Ngarauru tribes, from that period up to the present date.

2. Having well fortified yourself with this general knowledge, which will greatly facilitate your future operations, you should devote your attention to a careful and minute investigation of the rival claims of the several subdivisions of those tribes in such localities as they are most anxious to cede to the Government, bearing in mind that the object of your investigations should not be confined to acquiring a knowledge only of the natives actually residing on the land, but should be extended to those also who are intermarried among neighbouring tribes, as well as to those who are living in distant districts of the colony.

4. At the same time I am desired to state that it is his Excellency's wish to have a separate investigation of the claims of absentees instituted at the places where they reside; when they will be settled with, in proportion to the relative merits of their claims, on a basis which will fully preserve the distinction which should be made between resident and non-resident proprietors.

6. A record of all claims submitted by the natives should be noted by you in a book kept expressly for that purpose, more especially in those cases where conflicting interests have to be dealt with; and great care should be taken not to give too much prominence to that class of

claimants who are frequently the first to offer their lands for sale, from the fact of their title being in many instances very defective. The actual owner, in contradistinction to the class to which I have just referred, seldom makes a noisy or boasting demonstration of what his claims really are; it may therefore be inferred from his silent and uncompromising demeanour, that his rights are not to be trifled with, and that without his acquiescence it will be impossible to make a valid purchase. This class of claimants it will be your duty to search out, as they will be the least likely, from feeling secure in the justice of their cause, to press themselves upon your notice.

19. The former part of the 6th Section directs that a record of all claims submitted by natives should be noted in a book. Do you know whether this has been observed in the instance to which the present inquiry relates?—I believe that a record of the claims, and of the various meetings has been kept by the District Commissioner at Taranaki. I know he kept a journal of events—I cannot say positively whether he keeps it in a book or on loose papers which are filed. Copies of the papers containing the names of the claimants have not been forwarded to the office here—but the investigations made by Mr. Parris were submitted to me when I was at Taranaki.

20. Were the negotiations in connexion with the purchase conducted solely by the District Commissioner or did you take part in them?—I took part in the commencement of the investigation, when the purchase was initiated at Taranaki and instructed the District Commissioner how to proceed; I also took part myself in investigations having reference to absentee claimants.

21. [*Mr. Fox.*] You have referred to the alteration of native tenures owing to disputes. By whose consent and in what manner have the ancient tenures been altered?—the original occupants have in many cases been swept off the country. The tenure has been changed in Taranaki by the Waikato conquest.

22. What evidence have you of such alteration?—The evidence of living witnesses who took part in the conquest.

23. When you say the tenures were altered, do you mean not that the laws by which the lands were held were changed, but that the ownership changed hands?—I mean that there was an entire change. The right of the original proprietors became vested in the conquerors.

42. If the tenure were changed in this sense, why did you buy of Te Teira, and not of the Waikato only?—The reason for buying from Te Teira, was that the Waikato title had been extinguished by the Government who purchased from them, and because the claims of the Ngatiawa had been subsequently re-admitted by the Government.

25. You have spoken of the title of the Waikatos to the Waitara obtained by conquest, and referred to it as recognised by the Ngatiawas after their return from Waikato. Are you acquainted with the following statement of Mr Protector Clarke on the subject contained in his Report dated Auckland, 17th October 1843:—

"The claim to Taranaki preferred by the Waikato natives is good, so far as they have taken possession; but they did not wholly succeed in driving the natives out of that district, who maintained their independence by resorting to different pahs along the coast. *I should therefore consider the principal right to land in the Taranaki district still vested in the original inhabitants.* Again the titles of tribes about Port Nicholson to land in the Taranaki district, cannot be wholly extinct if they have kept up a friendly intercourse with the residents. * * * A tribe never ceases to maintain their title to the lands of their fathers, nor could a purchase be considered complete and valid without the consent of the original proprietors. * * * Possession of land even for a number of years does not give a right to alienate such property to Europeans, *without consent of the original donors of the land;* but it may be continued in the possession of the descendants of the grantee to the latest generation."

—Do you consider this opinion of Mr. Clarke as being in conformity with those expressed by you in reference to the importance of the rights by conquest of the Waikato tribe?—Mr. Clarke's views are not materially different from mine. He in the first instance recognized the Waikato right of conquest.

26. You have spoken of "new arrangements" being necessary in reference to the purchase of land at Taranaki, and referred to instructions given you by Sir George Grey on the subject. Were these "new arrangements" made with the consent of the natives, and were they ever carried out?—The arrangements indicated in the instructions were carried out so far as they could be acted upon in the Taranaki district.

27. Do you mean that the natives south of the Waitara were induced to remain north and to sell all their lands on the south?—No; the arrangements concluded at Taranaki did not then extend so far as Waitara. The instructions were part of a general scheme not confined exclusively to Waitara.

28. You have spoken of a notification of the sale having been given by you to the southern natives. Have you a copy of such notification?—I have a copy; I cannot produce it now, but shall be able to do so.

29. How, when, and where was such notification published?—I communicated by letter. It was not in the shape of a published notification. I addressed letters to those persons whom I believed to be claimants of the land in question.

30. Then if there are any claimants of whom you have not heard, such notification may probably not reach them?—I believe it to be an utter impossibility for them not to have known of the sale.

31. You are aware that King and five hundred of the Ngatiawas resided at Otaki and Waikanae for twenty-one years, and when they left many of the tribe remained there. Did you ever send your notification to, or visit those places to notify the intended sale of Waitara then, and did you ever investigate any claims or enquire whether there were any there?—At Waikane; I did not personally investigate

claims. I sent a copy of the Governor's speech at Taranaki to Otaki in the first instance. I am not so sure of having sent to Waikanae. I sent several copies to Otaki.

32. That was not a notification of Te Teira's sale?—It was not a notification of Te Teira's sale, but of the Governor's speech at Taranaki.

33. You have stated that Riwai Te Ahu had no claim. How can you be sure of this if you have never investigated claims at Otaki, where he lived, nor notified the sale to him?—I am sure of it from this fact, that he once preferred a claim to land there which I investigated. I was under the impression that it was of considerable extent, but I found on inquiry from the parties through whom he claimed and whose names he gave, that his claims were really insignificant, and were situated near the river Waiongana. Even those small claims the natives disputed, as the land was occupied by a sister of his. The extent of the land as represented to me is not much larger than the floor of this house. I communicated the result of my inquiries to Riwai who was disappointed at it.

34. In investigating Te Rewai Te Ahu's claim was he present, and had he the opportunity of examining the witnesses on whose evidence his claim was negatived by you?—I believe I have answered that question already. He was not present, and indeed it would have been of little use if he had—as he knew almost nothing about his claim, which he referred wholly to me.

35. Believing that Patukakariki has possibly a claim to the disputed block, why have you not endeavoured to ascertain it, and to treat with him?—He has had frequent opportunities of preferring his claim. I have already read a letter dated 18th March 1859, inviting him and others to come forward and prove their claims.

36. How was that letter published and circulated?—It was not published at all. It was written by me to the chiefs of the district, without being otherwise notified than by being put into their hands.

37. Was a copy delivered to Patukakariki?—The letter was addressed to Wm. King, Patukakariki, and all the people at Waitara.

38. Is not Patukakariki the head of the *hapu* to which Te Teira belongs? If he is not, who is?—I have never recognized him as such. I know the contrary. I admit, however, that he is a chief of some importance. The principal chief of these *hapus* died some years ago—Ropoama—at Queen Charlotte's Sound represents them.

39. Suppose that Patukakariki's claim is a good one, is he bound to prefer it? and if he does not, what law will bar its future assertion?—I really do not think that I am called upon to state what his claim is. I had to hear his title adduced, which universal custom recognizes as the manner in which he should prefer his claims.*

40. You have instructed Mr. Parris to give more credence to the claims of modest and retiring claimants than to such as are more urgent. Are not those of Patukakariki and the Otaki claimants of the former class, and Te Teira rather of the latter?—No, I think not.

41. If a claim such as Patukakariki may be, is an undivided claim in joint tenancy, how can the claimant be compelled to sever it? and can compensation be forced on him if he refused to sever and to sell?—I believe that there is no local enactment that would force him to do so.

42. Have you or Mr. Parris kept any official record of the various interviews and investigations with natives with reference to Te Teira's sale, and of the evidence of the title taken thereat?—Not certainly of every interview.

43. Has any record of evidence been kept by either of you?—Evidence of that description has been preserved by Mr. Parris.

44. Can you produce it?—I can.

45. Will you?—I will.

46. You have heard of the 11 claims mentioned by the claimants as existing at Otaki; have you investigated them?—I have not investigated those claims, with the exception of the one to which I have referred in answering a previous question.

47. You will remember being examined in writing by a commission issued by his Excellency in 1856, one question put to you was "Has a native a strictly individual right to any particular portion of land, independent of the tribal right over it." I find among the answers in the negative "McLean." Is that you, and was that your report on the question?—(Appendix 1856, B, No. 3.) I am the Mr. McLean, and that is the reply which I made.

48. Did you ever hear of a meeting at which Teira offered to give up to the parties opposing the sale some lands belonging to him outside the block in exchange for the lands he was offering to the Government?—I did not hear of a meeting at which any proposal of that nature was made in reference to the land he was offering to the Government. I am aware that there was a meeting at which there was some discussion about the accommodation of their claims. This was a considerable time prior to the purchase.

49. What do you mean by tribal right?—I suppose it means the right of a tribe.

50. Will you describe the meaning of tribal right in regard to the transfer of land?—It varies so much in different parts of the country, I should wish to know what particular part of the country you refer to—as the custom which prevails in one place does not in another.

51. What is the general rule?—There are very wide exceptions.

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* The above are the words given by the reporter, admitted to be not quite correct; Mr. McLean's impression of the answer is as follows:—"I really do not think that I am called upon to answer that question; he never adduced any claim. I am not aware of any local law that would be a bar to his claim, but it is customary that such claims should be preferred." Mr. Fox's recollection of the answer is as follows:—"He would not be barred by any local law; but there is an universal custom."

52. Is the rule or exception wider?—The exception is the wider.

53. When a *hapu* alienates, who represents it, and is the consent of all its members necessary?—In some tribes the different *hapus* must be consulted, in others the chiefs, much depends upon the personal character of the latter. I did not say that *hapus* or subdivisions of tribes had not a right of transfer of property. The various *hapus* or families which compose a tribe most frequently have the right of disposal, but not always: the custom varies.

54. How do you discover what the rights of the parties are?—You must discover them by inquiry of the people in the district where the land is situated and elsewhere.

55. If Patukakariki is the head of the Ngatihinga, could an individual sell without his consent?—A certain number of claimants could sell, but not invariably without his consent.

56. What proportion, a bare majority?—I cannot say. It would depend on the locality, the people, and the boundaries.

57. Then the sum of your evidence in this: That there are no settled rules or principles guiding alienation of land, and that in such matters the exception is wider than the rule?—The natives have no fixed rule. The custom varies in different districts.

58. What are the rules of alienation in the Ngatiawa tribe?—In the Ngatiawa a family of three or four people has been regarded as empowered to dispose of its common property.

59. Have they long enjoyed this right?—It has been so for the last 18 years.

60. Did either yourself or Mr. Parris make any official report on the validity of Te Teira's title, previous to the Taranaki war?—Mr. Parris did make several reports during the progress of the purchase. I did not make any. He reported on the validity of Teira's title.

61. Will you produce that report?—I will.

62. Did you ever receive a letter from Witikau informing you that the signatures to a certain letter written by Ropoama Te Onee were surreptitiously obtained, or written without the owner's knowledge?—I wish to know the date of the letter. [Mr. Fox: About the time of your visit to Queen Charlotte's Sound.] I have received a letter from Inia objecting to certain signatures which were put to a letter by Ropoama.

FRIEND MCLEAN, April 10, 1859.

SALUTATIONS to you and Governor Browne. I have a word which you must hear. We, all of us, have nothing to do with the words of Ropoama's letter, they are not those of all the people, but they are his own invention. Our names are in his letter, but the words are his own only. What we desire is that all the people who live at Waitara should assemble. That arrangement is Te Teira's only with his relations; William King has nothing to do with it, for with him the arrangement is that Waitaha is the (boundary) on the south and Mokau on the north.

We are not going to follow up their work, for in time past similar proceedings have been wrong, (as in the case of) Rawiri Horoatua. The money of Puketapa was consumed at Port Nicholson, and (we fear) least the case be similar now. Mr. McLean, you understand the matter; let it not be said that it is we who condemn them. When they have finished their work, they will be left to rest their shoulders, tired with carrying their guns. What is the good of perpetually causing evil to grow; rather let us all agree; then it will be well. This is all.

I wish the map of Waikawa to be given to me and Hopa for our information, also that of the Ruakaka, for a letter from William King has come to me and Hone Tuhata about Waitara, that it is to be held. This is all, McLean.

From your Son,
(Signed) INIA TUHATA.

If this reaches you, write me a letter that I may hear your word.

WAIKAWA.

I might be allowed to remark that the only letter I received from Ropoama was in reply to one I sent to him from Cloudy Bay. I afterwards had a meeting with him at his own place, when the Waitara question was openly discussed, and at which he stated that some of the claimants were absent at Waikanae and elsewhere, but that he should confer with them about the sale of the land after their return. The father of Inia (the writer of the letter just read by me) is one of the most prominent land sellers to the Government.

63. Will you read the letter from Ropoama?—I have not got Ropoama's letter: it was sent as a record to the District Commissioner at Taranaki. I can obtain it.

64. Did not Patukakariki protest repeatedly three or four times at public meetings against the sale of the disputed block?—Never against the sale of the block in question; but he has protested against the sale of other land.

65. Has he claims within the block?—I stated that he may have claims, he has never proved any title.

66. Do you believe he has claims?—It is altogether conjectural; it is probable he may have a claim within the block.

67. [*Mr. Bell.*] You have spoken of the Waitaha; is not that the northern boundary of the Bell Block, some miles from Waitara river?—It is.

68. Was Bell Block within the country of the Puketapu tribe, and chiefly owned by them?—It was within the country of the Puketapu tribe, and was owned by them.

69. Did William King assert any claim to the Bell Block, and if so was it allowed, and did he receive any of the payment for that land?—He asserted a claim, but it did not entitle him to receive any part of the payment given for the land.

70. Is there any country belonging to the Puketapu tribe north of the Bell Block, towards the Waitara?—The country north of the Bell Block belongs to the Puketapu tribe, their boundary goes to within about two miles of the Waitara river.

71. Has William King ever set up a claim over the whole country between Waitara and the Bell Block?—He has constantly done so. The only claim he does set up is that general claim over the whole country between Mokau and Waitaha.

72. Would such a claim be admitted by the Puketapu tribe, so far as their land is concerned?—Not at all, except as members of the anti-land-selling league; not otherwise.

73. Has William King expressed his determination that so far as his influence could prevent it, no sale of land should take place north of the Bell Block?—He has repeatedly expressed such determination.

74. Was this determination the result of a combination among certain sections of the natives to prohibit the further sale of land, which combination is known by the name of the land-league?—It was.

75. In the evidence of Archdeacon Hadfield, he says that Teira is not a chief at all, but a "tutua;" is that your opinion as to his position in the tribe?—Certainly not.

76. [*Mr. Domett.*] How many millions of acres have you purchased during the last 20 years, at other places than Taranaki?—The various purchases in these islands with which I have been connected amount to about 20,000,000 or 25,000,000 of acres.

77. Has the validity of any of these purchases ever been disputed?—In very few cases indeed. There has been no serious dispute in any. The validity of the purchase has never been disputed in any important particular.

78. Have you neglected in the Taranaki case any investigation, inquiry, or precaution which you adopted in those undisputed cases?—Every precaution was used. A great deal of trouble was taken to obtain a knowledge of the different claimants.

79. Did you advise the Governor that the title of the sellers of Teira's block was good before the purchase of the block was made?—I advised the Governor to accept the offer, and proceed with the purchase of the block, because it appeared to me that Te Teira had an unquestionable title.

80. [*Mr. Fox.*] When did you give that advice to his Excellency?—In March 1859. I was with him when the land was offered.

81. Had the title at that time been fully investigated?—The offer was made publicly, which was the first and best evidence you could get of title, and a more minute investigation into the titles of the various claimants was afterwards instituted.

82. [*The Hon. Mr. Richmond.*] Have I rightly understood you that notwithstanding the Waikato conquests, the British Government has respected the separate proprietary rights in Taranaki of the several sections of the Ngatiawa?—You have rightly understood me.

83. Has the Government allowed the exercise, or has the exercise hitherto been attempted within the block comprised in Spain's award of any general tribal right, or right of chieftainship, so as to interfere with the rights of the several *hapus* or families to dispose of their lands to the British Government?—No; no general rights of that kind have been exercised, but the rights of the subdivisions or different *hapus* of each tribe have been recognized.

84. Was a contemporaneous or nearly contemporaneous notice of the meeting of March 1859, at which Teira's block was offered, published in the "Maori Messenger"?—A notice of that meeting was published in the "Maori Messenger."

85. Archdeacon Hadfield has stated that Ropoama refused to come up to the meeting at Kohimarama because he disapproved of the transactions at Waitara, falsely alleging illness as an excuse—was this the case?—It was certainly not so, he was scarcely able to stand. I sent a boat for him. He expressed himself willing to come, but he was really so unwell that he might have died at sea. In fact I could not think of bringing him. In the short interview which I had with him on board the steamer he again expressed his intention of selling his claims to the Government.

86. Was any other person than yourself a witness of Ropoama's state at the time when the "White Swan" called for him at Queen Charlotte's Sound?—I believe Sir Charles Clifford, Mr. Carleton Baynes, and Mr. Crawford witnessed the state of his health.

Ordered, That the witness be now discharged from further present attendance.

Mr. Commissioner McLean accordingly withdrew.

Appendix, No. 5.

Extracted from the "New Zealander" Newspaper, 5th September 1860. (Enclosed in Governor's Despatch (separate), 8th September 1860.)

General Assembly of New Zealand.

Legislative Council.

The Native War.

In our Saturday's issue we placed before our readers the abstract results of the lengthened debate which took place in Council on the motion brought forward by Sir Osborne Gibbes, in relation to the Taranaki war. We now give that debate in extenso:—

Sir Osborne Gibbes said: He scarcely considered it necessary to bring forward any reasons for the step he was taking, in moving the adoption of the address which he held in his hand. He had delayed doing so for some time, in the hope that some other member would have taken this duty upon himself; but as this had not been the case, he felt that any longer delay would be injudicious. He was strengthened in this feeling by the course which had been taken by the other branch of the legislature. There was no practical difference between the address which he had the honour to submit to the Council and the resolutions which had been proposed by the Hon. the Colonial Secretary, and carried in the House of Representatives, and therefore he thought it highly proper to afford to the Council an opportunity for expressing an opinion which he felt to be imperatively called for, by the people of this Colony, by the Governor, and by Her Majesty's Government at home. The first and last sentences of the address so nearly approximote to each other that they might fairly be considered together, which therefore he should do at the conclusion of his observations. The first part of the second sentence merely states that we deplore the existence of the war now being carried on in a portion of the Colony, and are persuaded that his Excellency entertains similar feelings. In this sentiment there must of course be a unanimous concurrence. He hoped for an equally unanimous concurrence in the opinion that his Excellency has been forced into this course by circumstances beyond his control. The Hon. Bart. said he had heard that some person, in some place, had made use of the expression, that this was an "unholy war." He did not know who had used such an expression, or if it had been used at all—he hoped not—but if it had been used, he should consider it as an indication of a more unholy war; of a war carried on for political purposes, with the object of overthrowing one political party for the purpose of bringing in their rivals; thus showing that politics are the most demoralizing arena in which a man can be trained, leading him to the employment of assertions and arguments inconsistent with honour, sincerity, and truth. The Hon. Bart. said he considered that a war in this country had become inevitable. It might not have arisen at this particular spot, or on this particular ground, but it would most assuredly have broken out at no distant period, at some other place, or on some other pretext, when we were as little prepared to expect it. Was he not justified in such an opinion, when we consider the proud and arrogant conduct of the natives, in presuming to discuss whether they should permit the passage of Her Majesty's mails through their lands; when, in his own recollection, in other parts of the country, they would not suffer the erection of landmarks to guide the traveller through the wilderness; and when they even attempted to levy duties upon commerce in Her Majesty's seaports? But there was another cause which was working to the same end, the increase of the European population in the country. The more the European population increases and diffuses itself throughout the land, the greater is the number of points of contact and of probable collision between the two races, and the more certainly and rapidly increasing are the chances that an accidental display of arrogance on one side, or perhaps of indiscretion or impetuosity on the other, would have applied the spark to the magazine of combustibles that has long been stored beneath our feet. But beyond these causes there is another to be found in the dark, the secret, the mysterious influences which have been at work to instil into the native mind suspicion and distrust of all the measures introduced by the Government. It was with the deepest pain that he felt himself called upon to advert to the conduct of a reverend gentleman, whose name had been so prominently brought forward in the history of these transactions, but he could not but consider it to have been utterly indefensible. He considered that the suppression, for nearly twelve months, of the letters which he had received from W. King, urging him to make his words strong before the Governor and Mr. McLean, against the transfer of the land in dispute, was a breach of faith towards both the parties who had placed confidence in him. He asked what business had the venerable gentleman to take upon himself to consider whether these letters were of importance or not? Would it have been thought wise in Lord Monteagle to have concealed the knowledge of the letter warning him against attending the meeting of Parliament in the reign of James I. till after the catastrophe had taken place? Would it have been any justification that he did not think that letter of importance? The Archdeacon says, in one of his letters in vindication of himself, that although he arrived in this Colony in April 1859, he did not know of the Governor's visit to Taranaki in March of that year till May in the present year, and the Bishop of Wellington, it appears, makes a similar declaration. Was it credible that an occurrence of such importance, and all the circumstances connected with it, should have remained unknown to those gentlemen, though recorded in the local papers, from them transcribed most probably into the pages of every other paper in the Colony; and though the "Maori Messenger" itself contains an account of his Excellency's visit, and of the remarks which he made in his address to the natives on that occasion, relative to the sale of their lands; was it credible that not a whisper, not a casual reference to it from any quarter, Maori or European, should have reached these gentlemen? Such an assertion must be believed when coming from a Bishop or an Archdeacon, but would scarcely obtain credit if coming from any other source. But while we have thus accidentally become acquainted with what the venerable gentleman did, or did not do, on this particular occasion, who can say what he may have done in other instances? Who can say how long he may not have been working like a mole under the ground, whose existence and progress can only be traced by the dirty obstacles which it raises to the industry of the husbandman. Yet of his existence and of his works in this respect there is at least one positive proof. There is on the table the evidence of his machinations at Otaki to get up a petition from the natives for the recall of

the Governor, and of the language which he did not blush to use in reference to Her Majesty's representative, in order to carry out his views. Was this the way in which reverend gentlemen obey the apostolic precept of submitting to every ordinance of man, and of not speaking evil of dignities? But there was yet another circumstance which claimed attention, and called for the strongest condemnation. In the letter from the Bishop of Wellington and Mr. Hadfield to the Secretary of State there occurs this passage:—"It is unjust that the decision of a native title to land which the Government wanted to buy, should have been left to one or two subordinate officers of the native department, being English residents on the spot, while even the head of the department was not sent to investigate the title till hostilities had commenced." Now what are the facts? The Chief Commissioner must have had a pretty accurate knowledge of the validity of Teira's claim before he advised the Governor to accept it on the occasion of his first visit to Taranaki. But in his evidence before the House of Representatives he distinctly states, that when the transaction at Taranaki had thus been initiated he went to the natives of Queen Charlotte's Sound, who were claimants to this block; that he had a meeting with them at Waikawa, having first intimated to them by letter that he was coming, and that the whole of the natives there, after a careful inquiry, agreed to sell their own interest in the land, besides a very considerable extent of land which was beyond the boundaries of the block. The Chief Commissioner then proceeded to Wellington, where he notified to the natives what had been going on with reference to Waitara, and made similar arrangements with them to those which he had made with Ropoama.—(The Hon. Bart. read extracts from Mr. McLean's evidence before the House of Representatives on the above subject.)—Yet in the face of these facts, of which they could not but have been cognizant, these reverend gentlemen did not shrink from making a statement in their letter to the Duke of Newcastle utterly without foundation. Far be it from me (the Hon. Bart. said) to speak or think otherwise than with veneration of the early missionaries of the Church; of those devoted men who braved danger, privations, and even death to carry the Gospel of our Lord into all lands; but I look upon those early missionaries to have been as different from many of their followers as St. Peter was from the Gregorys, the Bonifaces, and the Innocents, who, assuming the triple tiara, while calling themselves "servants of the servants of God" placed their foot upon the neck of kings and the consciences of mankind. It is the same lust and pride of spiritual dominion, which then deposed monarchs, and now resists governors. Another indirect cause of this war was the meagre and miserable policy of the Home Government, in denuding this country of troops. Had a sufficient force been stationed here, the Taranaki natives would long have hesitated to provoke hostilities, but the unguarded, defenceless position in which they saw us was a temptation too strong to be resisted. But more than all, and above all, the Hon. mover asserted, it was not the Governor who commenced this war. It was the act of W. King, who, when he withdrew abruptly from the presence of his Excellency, and at the head of his men, told him, "I will not permit the sale of Waitara to the Pakeha, ekore, ekore, ekore." It was he who threw down the gauntlet of defiance against the British Crown, and the Governor would have been a craven if he had hesitated to take it up. The Hon. Baronet trusted he had said enough to show that the Governor had been forced into his present course by circumstances beyond his control. He trusted that but few words would be required to show that it was necessary to subdue effectively the spirit of hostility at Taranaki. He had himself no feeling of hostility towards the natives. He had lived for some years in friendly intercourse with them, and most heartily should he rejoice that those feelings should prevail universally throughout the land. It was, he believed, the wish of Her most Gracious Majesty, as it was the duty of Her representatives, to extend equal protection to all who live under the sway of Her golden sceptre, from the red Indian in America and the negro in the West Indies to the millions of our fellow-subjects in India, and to the inhabitants of these southern portions of the globe. But equal protection is not one-sided protection. Most of us listen during Divine Service to a passage in one of the prayers of our Church, relating to the land which has been given by Providence as the joint inheritance of the two races. But when, on looking over the map of the Northern Island, he saw that 18,000,000 of acres were possessed by the natives, while only 7,000,000 were in the hands of the Europeans, he could not but feel that our portion of the inheritance was at best that of a younger brother. He had no wish to obtain by force from our elder brethren any portion of their wider inheritance, but he saw no reason why any obstacles should be interposed to our acquiring it by peaceful means; and he warned the Government, he warned all who take an interest in this important question, that if we have now to learn the bitter lesson, that Great Britain is unwilling or unable to afford us protection, if our blood is to deluge the land which we came here to till, we must seek for protection in some other quarter. He would only make one other observation. The Governor had most assuredly for many months been reposing on anything but a bed of roses. In the discharge of his duty as a servant of the Crown he had taken upon himself a heavy, a serious responsibility. Let us not shrink from sharing that responsibility with him.

Mr. CUTFIELD seconded the motion without offering any observation.

Mr. SWAINSON: I will state to the Council, Sir, as briefly as I can, the reasons which prevent me from supporting the resolution which has just been moved by the Hon. Baronet. I would gladly have avoided expressing my opinion on the Taranaki war, but as the question has now been formally brought before us, I feel that I should be abdicating my responsibilities as a member of the Council if I were to refrain altogether from taking my part in the discussion of it. At the same time I would wish the Council to believe that I approach the consideration of the subject with great reluctance, at the cost of much personal pain, and simply in the discharge of what has now become an unavoidable public duty. If the resolution had expressed our regret that the ministers should have advised measures to be taken which have involved the Colony in a destructive native war,—if it had conveyed to the Governor the assurances of our cordial support,—and if it had at the same time expressed our opinion that so soon as it may be done consistently with the credit of our arms the war should be put an end to, and that prompt and efficient measures should be taken for restoring to the country the blessings of peace, then, Sir, I should have been prepared to give to the resolution my most cordial support. Without entering into a critical examination of the terms of the resolution, it is sufficient for me to state that it appears to be open to substantial objection. I object to it because it seems to imply that the measures which have led the country into war were the measures of the Governor, for which the

Governor alone is responsible; whereas they were taken by the advice of the ministers, for which I believe the ministers to be responsible. I object to it because it does not so much as indicate the circumstances by which it is alleged that the measures in question were forced upon the Governor; whether it was the pressure of the Taranaki settlers, the advice of his ministers, or his Excellency's own conviction that the measures were indispensable for the due maintenance of the Queen's supremacy. I object to it because it pledges this Council to the opinion that the war should be continued, and I also object to it because, in using the terms "unabated vigour," it would seem to imply that up to the present time the Council is satisfied with the manner in which the war has been conducted. I believe, Sir, that the war has arisen out of the proceedings of the Government in taking possession, by military force, of land purchased from some members of the Ngatiawa tribe in defiance of Wm. King, who has always persisted in opposing the sale of it. As to the validity of the purchase, I am aware that from the outset very confident opinions on both sides of the question have been expressed by very many persons having, as I believe, very imperfect information on the subject. I believe with the native minister, Mr. Richmond, that "the question of title is one on which persons not versed in the intricacies of native usage "cannot expect to form an independent judgment." I believe that to effect a safe and satisfactory purchase of land from the natives of New Zealand requires as much time, as much care, and as much knowledge of the native law of real property as to complete the purchase of an English baronial estate. And, speaking for myself, I have not yet had before me the information necessary to form a sound conclusion; and as to the validity of the Waitara purchase, up to the present moment I have held my judgment almost entirely in suspense. But however valid the purchase may have been, the circumstances which have arisen out of it have brought strikingly to light the want of some regularly constituted tribunal for judicially determining disputed claims to land. It may be in the recollection of some members of the Council that by the "Native Territorial Rights Bill," passed during the last session of the Assembly, it was distinctly declared that the courts of law have no cognizance of any question affecting the title of the natives as amongst themselves to land over which the native title has never been extinguished. And I believe that by persons at a distance ignorant of the great difficulty of the subject, it will be thought a thing incredible that after the lapse of twenty years, that after the British Government have for twenty years professed to govern the country, one half of Her Majesty's subjects in New Zealand, the acknowledged owners of the soil, should be left without any recognized law, and without any constitutional tribunal for legally determining their conflicting claims to land; and that having no law and no tribunals, they are literally left without an alternative, in cases of dispute, but to have recourse to arms. I do not mean to say, Sir, that if any such tribunal had existed the native disturbances at Taranaki would never have arisen; neither do I make the remark in disparagement of the present ministry. I believe that the present government is no more to blame for the want of such a tribunal than the government who have preceded them. I am the more careful to make this statement because the Governor has been blamed, but as I believe unjustly blamed, for not having submitted the claims of Wm. King to a court of law. The Governor might indeed have held his hand; but it was impossible for the Governor, without the aid of the legislature, to constitute a tribunal whose decision should have any legally binding force. I rejoice to observe, however, that his Excellency is alive to the need of such a tribunal, and that in a message to the native Conference at Kohimarama, he has pointedly submitted the question for their special consideration; and I trust that the government themselves will lose no time in endeavouring to ascertain in what manner a land court may be so constituted as to secure the confidence of the native people. The scene of the present war, Sir, the province of Taranaki, has frequently been described, and not unfitly, as the garden of New Zealand; but seeing that it is hemmed in on one side by an open roadstead, and on the other by an interminable forest; seeing that it was the locality, of all others in New Zealand, where conflicting claims to land amongst the natives were most difficult and most complicated, and believing that collision with the natives would be fatal to the district as a field for colonization, I have had to consider more than fifteen years ago the expediency of breaking up the settlement, of compensating the settlers, and of removing them to some other part of the country where they might be settled in security and peace. Since that time our experience at the Bay of Islands, Whanganui, and the Hutt, in 1845–6–7, has abundantly proved that the government of the Northern Island, as a field of colonization, by military force, is a practical impossibility; and still more recently in 1855 the then Native Secretary, Major Nugent, formally recorded his opinion that military operations in that district "would prove fatal to the prosperity of the settlement "for some time to come, as the settlers would have to concentrate themselves in town for the protection "of their wives and families, and their properties in the meantime would go to ruin." In the month of January 1860 we had no greater military force, and no better military commanders than in the year 1846; and under these circumstances I need hardly say that I heard of the commencement of hostilities in the province of Taranaki with deep regret. I foresaw and foretold that the conflict would cause the temporary destruction of that district as a field of emigration; that it would put a stop to emigration, depreciate the value of property, and check the advancing prosperity of the province of Auckland, and that it would seriously retard the prosperity of the Colony at large. I believe that the Governor was firmly convinced that the measures then taken were absolutely indispensable for the maintenance of the Queen's supremacy, I believe that the ministry by whom these measures were advised were utterly ignorant of the probable consequences of their acts; and I think it is a matter of great regret, a feeling which I believe will soon become general throughout the Island, that in the month of January last the Governor was not surrounded by a body of advisers, who, by their knowledge of the native character, were competent to tender to his Excellency reliable advice. The great constitutional question remains to be considered. Who is constitutionally responsible for the Taranaki war? Owing to the divided and to the uncertainly divided responsibility of the Governor and his ministers, it was uncertain, until the commencement of the session, on whom the responsibility mainly rested. But when the proceedings of the Executive Council of the 25th of January were made public,—when it was shown on the face of those proceedings that it was the ministers who advised that the disputed land should be taken possession of by military force, and that is was the ministers who advised that martial law should be proclaimed—all doubt was at an end. In the management of native affairs, when the interests of the natives are exclusively concerned, the Governor and the Governor alone is responsible. In all matters in which the interests of the colonists are concerned, and in all matters in which the interests of the colonists conjointly with the interests of the natives are con-

cerned, the ministers are responsible. And the Council will observe that this is no new doctrine coined for the occasion, but an opinion formally recorded by myself almost in the self-same words long before the commencement of the Taranaki war: "If the principle of ministerial responsibility in the govern-"ment of the Colony is to be anything but a name, it must extend to all questions in which *the peace of* "*the country* is involved, though *native interests* may be concerned." Every act affecting the interests of the colonists done by the ministers or by the advice of the ministers must, I maintain, be regarded as an act for which the ministers must be held to be responsible. If the ministers can do an act or advise an act to be done which shall cause the ruin of the European population of a whole province without being responsible then, Sir, I maintain that responsible government in New Zealand is nothing but a mockery, a delusion, and a snare. All of us who know anything of New Zealand are aware that of the fifty dependencies of the Crown the government of this Colony is one of the most difficult; and that hardly until the expiration of the usual term of office does a Governor fully appreciate the difficulties of his position, or is he able to form a sound and independent opinion as to the policy to be pursued in the government of the native race. But in the month of January last the Governor was advised by responsible ministers, some of whom had long been resident in the Colony; and I venture to affirm, without fear of contradiction, that if the ministers had advised the Governor to hold his hand, and if they had refused to supply any portion of the necessary means, we should not now have to consider the origin and the conduct, the cost and the consequences, of a destructive native war; we should not now have to lament the misery and the ruin of the entire population of one of the fairest provinces in New Zealand. Seeing then that it was the ministers who advised that the survey should be proceeded with, and that the land should be occupied by a military force, I hold that the ministers are both morally and constitutionally responsible for the Taranaki war; and not only for the war, but for burthening the Colony with the expenses of the war. If the settlers of Taranaki had warned the Governor that he could not take military possession of the Waitara without involving the province in a protracted native war,—if the ministers had advised the Governor to stay his hand,—and if the public had afterwards condemned the recourse to arms, the colonists might then fairly have maintained, that as the war had been undertaken against their remonstrances by an officer of the Imperial Government so the expenses of the war should be borne by the Imperial Treasury. But when it shall be seen by the authorities at home that it was the Taranaki settlers who urged upon the Governor the adoption of what they termed a vigorous policy,—when it shall be seen that the representatives of the province of Taranaki formally recorded their opinion that there would be no danger of provoking a native war by pursuing such a policy—when it shall be seen that it was the ministers who advised that martial law should be proclaimed, and that the land should be held possession of by military force,—and when it shall be seen that for adopting this policy the Governor received from all parts of the Colony assurances of sympathy and support, we can hardly be surprised if a portion of the expenses of the war should be left to be paid by the Colony itself; and if the day of reckoning shall arrive, it will then be found that it was not the Governor but the ministers who have been chiefly instrumental in charging on the Colony the expenses of the war. As to the justice of the war, Sir, depending as if does on the validity of the purchase, I have as yet arrived at no conclusion, further than this, that, until the contrary shall be proved, it is due to the Government to assume that their proceedings have been just. The time will no doubt come when the case will be fully investigated and dispassionately judged; and I yield to no man in the earnest hope that it will be found that throughout the whole of our proceedings our quarrel has been just. I cannot even contemplate the possibility of any other conclusion without pain. If, unhappily, it should be found that Wm. King was entitled to an influential voice in the disposal of the Waitara,—if it shall be found that no greater force was used to resist the survey of it than the circumstances required,—and if it shall be found that the native claimants had no legal tribunal to appeal to for protection of their rights, then indeed a wrong will have been committed which must for ever be deplored. I have already indicated an opinion as to the continuance of the war. I think it will be unwise and inexpedient on the part of the Council to pledge themselves to the opinion that the war should be prolonged. I think that the executive government should rather be left unfettered by any such opinion; free to take advantage of any favourable opportunity, whenever it may arise, to terminate war. But in thus appearing to be an advocate of peace, let me not be misunderstood. The Council may be assured that it is for the advantage of the Colony and the colonists, and from no sentimental feeling in favour of the insurgents. But between Wm. King and the Ngatiruanuis I have always drawn a marked distinction,—between Wm. King fighting in defence of some real or imaginary right, and the Ngatiruanuis who wantonly joined in the war without provocation, and who commenced their proceedings by the cold-blooded murder of unoffending settlers. While doing full justice to the gallantry of the forces engaged on the occasion, I have never ceased to regret that at the battle of the Waireka those murdering marauders were not cut off to a man. But we have been asked, Sir, to record our opinion, not only that the war should be continued, but that it should be carried on with "unabated vigour." In the course of the first six months we have seen a body of the Queen's troops armed with the rifle and the bayonet, and supported by artillery, literally driven off the field, leaving their dead upon the ground, by a native force not more than double their number, without a single bayonet, without artillery, and armed, for the most, only with muskets, fowling pieces, and double-barrelled guns. We have seen the whole of the out-settlers of the province of Taranaki driven to take refuge in a military camp; in the face of two thousand men in arms we have seen their homesteads sacked, plundered, and destroyed; we have seen their women and children virtually driven out of the province; and for weeks together we have seen upwards of a thousand of the Queen's troops literally beleaguered on the beach at Taranaki by a native force, in point of arms, numbers, and equipment, inferior to themselves. And in the face of these facts we are asked to commit ourselves to the opinion that our military operations have hitherto been conducted with commendable vigour. But the crisis we are suffering, painful as it is, I am sanguine enough to believe will not prove altogether an unmitigated evil. The events of the last six months are teaching the most incredulous a lesson which all have been too slow to learn, that in the native race there exists an element of danger around us and about us which, for our own sakes, can no longer safely be neglected. By the inexorable logic of events we have been taught that the Northern Island of New Zealand can be profitably colonized only so long as we are in harmony with the native race; that to the settlers, war with the natives must necessarily prove an unprofitable game; and that in the Colony of New Zealand a military force is of little practical value except for the defence of a

military post. But whatever may be our opinions as to the justice, the policy, or the conduct of the war, all who are acquainted with its real condition will agree that during the last six months it has been hanging in the balance whether the Northern Island shall continue to be a field of colonization or be reduced to the condition of a military post; and that it still depends on the justice and wisdom of the Government, and on the prudence of the colonists, on which side the scale shall turn. Before I sit down, Sir, I think I ought to notice the charges and insinuations which the Hon. Baronet has thought it fitting to make against the venerable Archdeacon Hadfield. So far as they relate to the letters received by him from Wm. King, I, myself, have almost thought that it is to be regretted that they were not communicated to the Governor; but the Council will hardly come to the conclusion with the Hon. Baronet that in not forwarding them to his Excellency Archdeacon Hadfield was guilty of any "breach of faith." To the Bishop of Wellington and to the venerable Archdeacon it would be almost an insult if I were to say a single word in answer to the Hon. Baronet's insinuations impugning their veracity. It may be sufficient for me to remind the Council who it is against whom such imputations have been made. For more than twenty years Archdeacon Hadfield has been distinguished amongst the missionaries of New Zealand for his zeal, ability, and self-sacrifice; for twenty years he has been remarkable for his intimate acquaintance with the character, language, and usages of the native race. Ever since the Colony was founded he has been confidentially consulted on native affairs by every Governor of New Zealand; and when Wellington was erected into a separate diocese, Archdeacon Hadfield was designated by acclamation as the fittest person to fill the vacant see. We have already, Sir, declared that the natives of New Zealand have no legal tribunal to appeal to for the protection of their territorial rights: the Attorney-General of England has recorded his opinion that they are not entitled to a voice in the Colonial Legislature; and it only now remains to fill up the measure of their subjection that we should seek to intimidate those who would venture to vindicate their cause. Not longer to trespass on the patience of the Council, I will conclude by repeating an an assurance which I made at the commencement of the session, that, leaving for the present the policy of the past, I shall be ready, as I always have been ready, to support the Government in whatever measures may be necessary for establishing the prestige of our power, for restoring harmony between the two races, and for securing a lasting and honourable peace.

Mr. Menzies said: I have to express my entire concurrence in the motion of the Hon. Baronet. From the papers which have been laid before us and the debates, which have taken place in this Assembly, new members, or others who have been comparatively uninformed, have learnt much. As the discussions proceeded the fact has come out more and more clearly that his Excellency the Governor has been altogether in the right. The attempts which have been made to show that William King was justified in his aggression have broken down. The reason which his advocates have founded on the vague claim asserted by William King reminds one of the casuistry of the Jesuits. An assertion of opinion once made by any moderate authority amongst those fathers upon any theological point became therefore a "probable opinion," and upon a "probable opinion" it was quite safe to act, or to construct an argument. It appears to me that the case may be shortly summed up in this way:—A portion of the Ngatiawas, in apprehension of an attack from the Waikatos, emigrated to Cook's Straits, about thirty years ago. Soon after, the Waikatos attacked and defeated the remaining portion of the tribe, driving them out of the district, with the exception of a few who found a secure refuge near the Sugar Loaves, Paretutu and Moturua. After the settlers came to Taranaki, the Ngatiawa ventured gradually to return. William King, who had been one of the emigrants, having become a leader among them, began to obstruct the extension of the settlement; he allied himself with the southern tribes for this purpose, and he claimed a sort of superiority, which appears to be known by the name of "mana," over the lands of the Ngatiawa, to which he had no proprietary right. Some such superiority as this appears to have rested with a conquering tribe when they dispossessed other tribes of their lands. The Waikatos drove the Ngatiawa from the lands now in dispute, to which the latter, being weaker than the tribes known under the name of Waikatos, would never have ventured to return unless under the protection of some stronger power; consequently the Waikatos acquired this superiority over those lands. We bought this superiority from the Waikatos; and when we bought the land from the Ngatiawas, Wm. King, disapproving of the sale of the land, asserts a claim to this superiority, and tries to assume it by force of arms. According to Maori custom, if he could occupy the land, and hold it against all comers, his claim would be recognized; but the argument cuts both ways, and in the same way so might we or any other power. If it proved anything it proved that this "mana" was the right of might. In this instance Wm. King was the aggressor; he, and not we, first drew the sword, and by its decision he must now abide. But other causes have been at work, which I am convinced would sooner or later have led to a conflict. The Maories were emboldened by the result of former wars, especially that in the north, which, carried on in a rough country, where natural obstacles crippled the operations of regular troops, was not conducted or concluded in such a way as to impress the Maories with the prowess of our troops, still less to make them fully aware that they were comparatively impotent, and must struggle against us in vain. That they should become thoroughly aware of their own helplessness, when compared with the might of the empire, is absolutely indispensable to their own future safety; for if this war is concluded by negotiations, after various actions of undecided character, the natives will continue to retain the idea which prevails among them now, that they can check our progress and drive us out at any time. As our population increased, as settlements expanded, and pressed upon them more and more, sources of dispute would more frequently occur (for with the increase of our population the number of turbulent characters, such as may be found in every community, would also increase, and such are ever prone to give or take offence), and another war would eventually arise. But in a few years the rapid increase of the settlements would place them in a very different position from that which they now hold. They would be able to protect themselves. Self-confidence would render them less careful to avoid giving cause of offence. Petty injuries on either hand would lead to retaliation. Hostile feelings would naturally beget hostile actions. They might become apt to "redress their wrongs when they were given"—and all this might possibly lead to a war of extermination. This, Sir, is no fanciful sketch; we have seen the process; we can see it now in action in America. Something very similar has occurred in a neighbouring colony; I trust we shall never see it in New Zealand. But if, on the other hand, we conduct this war so as thoroughly to convince the natives of the important truth, that armed resistance is altogether hopeless, and can only lead to their destruction, those ideas they now entertain, that they can check

our progress, will be laid aside; they will view the progress of the colonists as inevitable, and acquiesce in the necessity; they will direct their energies to the development of the natural resources of the country; mingle more freely with the settlers; adopt our habits and occupations; share with us the privileges and duties of British subjects, and, as time rolls on, their objects and interests will harmonize with ours, and they will gradually become blended with us to form one nation. Therefore I hold that this war should not be concluded until decisive victories shall have established our superiority beyond doubt or cavil. The law that barbarous tribes can best understand is, that might shall govern. This is the title which they will most respect; and to carry out this war, resolutely to such a conclusive issue is at once the most merciful and the only true policy. The debates in this assembly clearly demonstrate that there is no desire to treat the natives with injustice; but we cannot allow our settlements to continue liable to ruinous consequences, such as this war has brought upon Taranaki, destructive alike to its social and material interests. The tribes south of New Plymouth, without a shadow of provocation, have plundered the farms and desolated the homesteads of hundreds of the country settlers. Some of those settlers they have murdered in cold blood. Shall the men who committed such deeds be allowed to go unpunished? Are our sympathies to be invoked for the marauding Maories, and shall we have none for our suffering fellow countrymen? To treat the natives in this case with more than impartial justice will imply that our fellow settlers shall receive less than justice. The ultimate issue of the struggle cannot be doubtful and I say without hesitation, that the brave settlers of Taranaki are clearly entitled to ample compensation from the lands which those blood-thirsty marauders have justly forfeited. I shall trespass for a few moments longer on the patience of the Council with some remarks on certain passages in the history of our own country which are quite relevant at the present discussion. In the end of the 17th century the manners and customs of the Highlanders of Scotland had altered little from those of their ancestors for many generations. Most of the clans were devoted to the Stuarts; they were possessed of arms, and familiar with their use. The lower classes were in general destitute of education, and they had no law but the will of their chiefs. Raids and blood feuds kept the country in a state of chronic irritation, each fresh injury bringing in its train a long array of deadly retribution. The wild country they inhabited was easily defensible, and the roads in it were little else than mountain footpaths. This was the state then; now they are as orderly, peaceful, and well educated as others of their class in any part of Britain, and they are second to none in loyalty to the Crown. We have a direct interest in inquiring how this change came about, and I shall indicate shortly some of the leading measures which appear to have been most effective. After the exile of James VII. the country continued for some time in a very disturbed state; the policy of the Government of the day was coercion, and in one of the few districts in which it could be put in practice, it was carried out with atrocious cruelty. In succeeding reigns, wiser measures were initiated. In 1729, several companies of Highlanders were embodied to act as a police in the disaffected districts, and on the borders of the Highlands. The men were recruited chiefly from Jacobite clans, their love of military occupation and warlike habits overcoming their reluctance to enter the service of a prince whose right to the throne they would be ready to dispute. Those companies preserved the peace of the Highlands; overawing their turbulent fellow countrymen at a time when five times their number of regular troops would have been unable to do so. After the lapse of some years, these companies were embodied into a regiment, and sent on foreign service, and in the long period that has elapsed since that time the gallant Black Watch has served the Crown with unwavering fidelity, and signalized its courage and loyalty on many a battle-field. But while they were still at home, military roads were constructed which intersected the country, giving easy access to the principal districts, and so it came to pass that after the power of the clans was broken at Culloden, the regular troops moved freely through the country, and occupied it; military posts were established in the disaffected districts, and then the population was disarmed. A period of transition and depression naturally followed, but with the establishment of law and order came the dawn of a prosperity which has ever since been peaceful and progressive. Those facts, Sir, which I have lightly sketched, convey to us a lesson of deep significance. The measures which were found successful in our own country may be found applicable and equally successful elsewhere.

Mr. CRAWFORD said: Sir, I doubt the necessity of again bringing forward the subject now before the House, as we have already affirmed the principle of the resolutions moved by the Hon. Baronet in the Address in reply to the Governor's speech on opening the present session; but as these resolutions have been brought forward, I should regret to see them abandoned or thrown out, and shall therefore vote for their adoption. A reason may be given for re-opening the question, and that reason is that we have now more evidence before us on which to form an opinion. The effect of that evidence is to make us affirm our previous resolutions. In my opinion Wiremu Kingi's advocates have broken down in their case, and have failed to prove that he had any title to the disputed land. In none of the evidence before the House do I perceive that W. King himself has ever claimed a proprietary right in the Waitara block in question, but, on the contrary, he appears to have observed a careful reticence, which shows him to be a man of considerable acuteness, and he would probably have been well fitted for a member of the legal profession. His "mana" appears, on the showing of his own supporters, to be very similar to what many of us may remember in our younger days, the "mana" of the big bully at school. Most of us may remember that individual, walking about the playground in the pride of conscious strength, cuffing every little fellow that came in his way, until perhaps the spirit of resistance would be excited in some small youngster more courageous than the rest, who would sometimes give the big bully a thrashing, and then I suppose there was an end of the "mana." In a similar way any native may assert mana by flourishing a tomahawk, which mana terminates by being successfully opposed. Sir, I particularly object to ex parte appeals to the Secretary of State or to the people of England. They are jockeying appeals to the ignorance of the people of England, for what can the people of England know of the points in dispute in this Colony—except what they hear from us? It is much more reasonable, therefore, first to ventilate every question in the Colony itself. What with Wiremu King, the King movement, King Potatau, Hori King, &c., I suspect the people of England and the Secretary of State will say, "A plague on all your houses. How many Kings are there in Brentford?" and will probably decide that Hori King must be the hoary-headed father of the lot, and ought to be treated accordingly. Sir, sweeping away all mystifications, it is clear that at a time when faction would render all government impossible, it is our duty to rally round the Governor, and support him in the assertion of the authority of the Queen. The murderous anarchy of New Plymouth would not under any circumstances have been much longer endured. The attempted jurisdiction of Runganga courts

in the province of Hawke, and their spread into the Wairarapa and other parts of the province of Wellington, with the dangers attending the King movement in the province of Auckland, must soon have led to collision. Wiremu Kingi, as the oldest offender, deserves to suffer most. Sir, I must again reiterate that our policy is to support the Governor in the energetic assertion of the authority of the Queen, as a first step. Afterwards, grievances may be inquired into; but it is a cruel thing to advise these poor Maories that they may attain ultimate success in any other way than by first submitting themselves to the rule of Her Majesty's Government. In conclusion, Sir, I have only to say that I regret, and I am sure that the Hon. Baronet will regret also, the terms in which he has spoken of the Venerable Archdeacon Hadfield and of the Bishop of Wellington. However mistaken we may consider the former to be in his views, I believe few will doubt that he acts from strictly conscientious motives, and all who know the Bishop of Wellington know also that a more honourable or more highly esteemed man does not exist in this or any other country.

Captain CURLING said: He rose to support the proposed address to his Excellency with the utmost willingness. So much had already been said on both sides of the question in regard to the origin of the war, that he should not go into the minutiæ of the case, but would proceed at once in a direct straightforward manner to state his opinions on the subject. In the first place, then, in order to take an honest unbiassed view of the Governor's conduct, you must endeavour to place yourself as much as you can in the position that his Excellency was in at Taranaki; to surround yourself with all the difficulties and responsibility of the case, with all the consequences then to be apprehended on either hand; and not to judge after the event, or to view his conduct under the light afforded by the subsequent events. This was what the candid mind would do, that felt sincerely anxious to form a fair and honest judgment, and he (Capt. Curling) was certain that if you acted in this conscientious way, though you came to the conclusion that you would have adopted a course different from that of his Excellency, you would at the same time come to the conclusion that such was the nature of the circumstances, such the responsibility, and such the balance of the most serious consequences on both sides, that though you could not give your approval to the Governor's conduct, you would be ready to admit fully the difficulties of his position, in the place of being guilty of the ungenerous attempt to make him appear therefrom as wanting in ability, foresight, and discretion, and as being an unjust and rash man. A candid and generous mind would not act thus, nor with overweening conceit assume the facility in which, combining every other attribute, he would have managed the matter. His (Capt. Curling's) humble opinion, and he rejoiced at the assurance that such was the general opinion of the Colony, was, that the Governor's conduct was such as the circumstances at the time necessitated the adoption of, and which would have so presented itself to a sagacious and conscientious man who was incapable of shrinking from the duties and responsibility of his office; and he (Capt. Curling) was likewise certain if the Governor had adopted a different course, had borne with W. Kingi's insolence, pretensions and defiance, that those who have been so loud in condemning him now, would have been still more vehement in condemning him under the other circumstances,—would have assailed such conduct as a base submission, a recreant abandonment of British honour and of all authority,—as impolitic as it was disgraceful, and as putting the climax to that policy of weakness and expediency which had been ruining the colony, Maori and Pakeha. Such would have been their language then; we should not have heard of all that extreme tenderness for the Maori, that beautiful philanthropy and sense of justice which shrank so at the bare probability of the minutest particle of injustice towards the Maori. He (Capt. Curling) did not believe in the genuineness of such high-flown sentiments—did not believe that those people or we were different from the rest of the world—believed that our conduct hitherto in the management of this Colony was excusable solely on the ground of our weakness, our inability to act otherwise; that if we had had the power, he (Capt. Curling) gave us credit that we should have used that power in the proper way, under the guidance of the principles which had been laid by statesmen, and great and good men, viz. that a savage must be brought into a proper state of subjection before he can be improved; that in our paternal relation towards him, it was our bounden duty to make him do what was right, what was most for his own good, and the good of the whole of the family; and not, as we had done by reason of our weakness, leave him to his own devices, ruinous to himself and others; that the present war, and all that might result from it, was the natural result of such conduct, and by no means to be laid to the charge of the Governor. To hear these pseudo-philanthropists talk, you would fancy that, for the purest disinterestedness, justice, and philanthrophy, this colony was a perfect Goshen in the midst of an Egyptian world; that it was like Gideon's fleece, saturated with the purest milk of human kindness, while the rest of the world was sadly deficient in this respect. He (Capt. Curling) admitted that he was very sceptical when he listened to such language. There was no doubt that the war must be prosecuted to a successful termination, such a termination as would place us in our right and lawful position, and the Maories in theirs; a position which would enable us to untie or cut the Gordian knot, dissevering all those complications, intricacies, and interminable obstructions which at present so woefully impede us when we attempt to do anything in the right direction. We must place before ourselves in its full reality the present war, all its concomitants, requirements, and consequences; must do all in our power to present an appearance to our antagonists of union, strength, and determination; and to repress everything that may argue a weak and divided camp, that would give encouragement to the enemy. And it was in the power of the members now to do something to the common cause by passing the proposed address to his Excellency. That he deserved something of this sort; for the manner in which he had been assailed had been unrestrained by proper considerations, and in some cases might be described as dishonourable. Why, even if the origin of the war was such as some were trying to make it appear, it was altogether out of the question that we could go back now. We must go on till we had restored the prestige of our arms by unmistakeable success. He (Captain Curling) did not agree with those persons who said that if W. King was to lay down his arms now, all that we should have to do would be to conduct him to the bar of the House, and with him re-investigate the uncomprehended, incomprehensible subject of "Mana;" dropping the consideration of his fine handiwork, a beautiful province laid waste and ruined, and its settlers, our countrymen, with their families, made beggars and wanderers, and all else that has resulted from the first declaration of war and defiance of the Queen's authority by this W. King! After again exhorting to union and strength, and calling on the House to pass the address, Captain Curling concluded thus:—Sir, there is an old saying that "it's an ill bird that fouls its own nest." I am not much acquainted with the natural history of New Zealand, but if I were

asked what bird in this colony is most given to this dirty trick, I should, from the recent information I have obtained, have no hesitation in replying that it is the Parson bird.

MR. CUTFIELD alluded to what had fallen from the hon. gentleman (Mr. Swainson) respecting a peace, and thought that a peace, unless based on British authority, would be at once the loss of Taranaki, as no one would or could live there. The consequence would be but too well known. The Maori, flushed with success and loaded with plunder, would not be long in turning his attention to other provinces. His old instincts would return, and he would be constantly seeking war; bnt not, as formerly, with his own race, but with the European. The war now unfortunately raging appeared to him to be the natural consequence arising from two races having different sympathies living in one land. A time would arrive for one to obtain the mastery. The struggle might last for years, or might be brought to a close at once: there could be no doubt as to which was best. The Maori was now struggling with civilised man, who would win in the end, and it was best that it should be so. He therefore hoped that the war would be continued to a successful issue, or, in other words, that no peace should be made by his Excellency till he was in a position to dictate the terms. To prevent further outbreaks, a lesson should be taught by inflicting a penalty; this would be a guarantee for future good behaviour, and a lesson to all others meditating a similar course. There had been a remark made to the effect that a difference existed between the Waitara men and the men to the south. There was no difference. They were all murderers alike. Was not Mr. Brown's life attempted in cold blood? Was not Harris murdered without a weapon in his hand, when loading his cart? Had not the lives of others been attempted? How then could it be asserted that there was any difference? There was none.

MR. TANCRED had been listening attentively to the debate without discovering that any material point had been raised which required special notice. There was, however, one circumstance which he considered worthy of note in relation to the general tone which had characterized the discussion upon the question now before the Council. It appeared to him (Mr. Tancred) that the general result of the investigation which had taken place, and the controversies which had been carried on, went to establish this fact—that the more the question was sifted the more did the members of this Council and the country at large become convinced at least of the justice of the war. All impartial persons had, he (Mr. Tancred) believed, come to the conclusion that this war was not an unjust or unholy war, but that, so far as the abstract rights of the adverse claimants was concerned, it was a just war and a holy war. The hon. gentleman opposite (Mr. Swainson) was the only member who had declined absolutely to endorse a declaration to this effect, but his hesitation in the matter did not go further than the expression of a doubt upon the matter—an unwillingness to pronounce decidedly either one way or the other. And this hesitation on his part he attributed to two causes; first, that his knowledge of the circumstances of the case was imperfect, that he had not fully mastered all the details; second, that there was a difference of opinion among those most competent to come to a right conclusion. As to the first reason, it applied, doubtless, not only to the hon. member himself, but also to every other member of the Council. None of us could pretend to an absolute personal knowledge of the details of the case; but were we to be restrained by such a reason as this in our deliberations, we should never be able to come to a decision on this or any other question. Our business was to weigh evidence, to balance testimony against testimony, and from such materials—not from personal knowledge—to make up our minds upon the question at issue. He (Mr. Tancred) did not propose to go through the evidence which we had before us, but would say a few words as to the credibility of those who deposed to facts. Now there were two gentlemen who might perhaps be fairly considered as the exponents of two diametrically opposed views; he meant the Ven. Archdeacon Hadfield and Mr. McLean; and it might be well to examine their respective claims to be considered as authorities. The former of these gentlemen had enjoyed the advantage of a long residence in this country; he had been brought into most intimate relations with the natives; he had had great opportunities of gaining an insight into their habits and feelings and customs generally. On the other hand, however, he had never, so far as he (Mr. Tancred) was aware, been mixed up in land transactions; he had not been in the habit of going minutely and laboriously into questions of native title; in short, it had never been his exclnsive business to master the details of this or any other title. He could not, in fact, do so without neglecting his own proper avocations. On the other hand, Mr. McLean had been for years engaged in purchases of native land; he had been obliged to make this question of native title a special study; he knew, if anybody knew, all the points which had to be considered, and the doubts which had to be cleared up. It would indeed be strange if his daily and hourly occupation had not given him a more profound knowledge of the subject than that possessed by the venerable gentleman, who was after all at best an amateur. So much for the qualifications of the two. Now as to the statements made by them, those of the Archdeacon were vague, loose, and indefinite, full of confessions of ignorance on some points; and on others where he did make a distinct assertion as to matters of fact, he fell into what had since been proved to be the grossest blunders. On the other hand, Mr. McLean's testimony was precise, consistent, and definite. His statements were distinct and unmistakeable. They were open to be impugned, but as yet no one had ventured to do so. Now with these two to choose between, he (Mr. Tancred) could not hesitate a moment as to which was entitled to credit. It was not right that these gentlemen should be put on a par with each other, or that the value of the statements made by the one should be considered equal to those made by the other. A second point had been adverted to by the hon. members, which required a short notice, in reference to the position of Ministers in this matter. It seemed to be the object of the hon. gentleman to fix Ministers with the responsibility of the war, and it was not their intention to shirk any responsibility which might fairly attach to them. They were responsible for the war so far as they had advised the measures which led to it; but what he (Mr. Tancred) wished to guard against was the notion of its being supposed, as the hon. member's remark seemed to insinuate, that they had exerted any pressure upon his Excellency in the matter.—[MR. SWAINSON said he did not intend to convey this.]—It must be quite understood that the Governor had acted entirely independently in the matter. He had taken his own course, as he had a perfect right to do under the relations of 1856, whether with or without the consent of the Ministry; but it did happen that the Ministry had concurred in the policy of the course taken, and had recommended his Excellency to adopt it. The real question appeared to be the policy and expediency of entering into the war—whether, in fact, the object to be gained was worth the loss occasioned. It appeared to him (Mr. Tancred) that, if in this case it was inexpedient to enforce the rights of the Crown, the occasion would never arise when the appeal to arms

would be politic. It amounted, in fact, to that it is right and prudent to purchase peace at any price. Of course there could be no arguing with those who asserted this. We do not stand on the same ground, and of course should never agree. Of course from this it would follow that whatever claim were made by the natives, however preposterous it might be, should be conceded. If this principle were admitted, the property of none of us would be safe for an instant. A claimant might enter into our very houses, take the lands which we had been cultivating, and we should have to abandon them for fear of bringing on a collision. It has been said, indeed, that the natives would never make a claim which they knew to be unjust, and that therefore an extreme case of this sort could never arise. He (Mr. Tancred) believed that this was a pure fallacy. He did not believe that the natives were very much better nor very much worse, as a body, than others. Many of them, no doubt, were just and honest, and would scorn to do an act of injustice or robbery; but, as in other bodies of men, there were many who would not scruple to go any lengths for the sake of obtaining their object. If this were not so, all he (Mr. Tancred) could say was that they must be more or less than men.

The CHIEF JUSTICE said: Sir, it is evident that this discussion, if discussion it can be called, is drawing to its close. Perhaps the Council may expect, after so many honourable members have expressed their sentiments, that I should offer some explanation of the vote which I am about to give. It will be in your recollection, Sir, as I am sure, from special reasons, it will be in that of the honourable Attorney-General, that when in the last Session of this Council measures were brought before us by the Ministers embodying a scheme of policy for the government and civilization of the native race, I took little part in the debates to which those measures gave rise. A stranger, recently arrived in this colony, I could not pretend to understand the scope and fitness of that policy. It then appeared indeed to me from certain memorandums and despatches upon this table that the proposed method for working out that policy involved so far a new principle, that the Governor was held dependent upon the consent of his Executive Council, in administering the details of native policy, to a greater extent than had been usual. I called the attention of this House to that question. It was explained; and from that time I did not presume to interfere with the progress of the measures which then passed upon the subject. Now also I would gladly abstain from addressing the House, and if the honourable Attorney-General had already expounded the views of the Government upon the matter before us, it probably would have been superfluous for me to speak. But as the honourable gentleman prefers very naturally to hear the whole sentiments of this Council before he responds to those sentiments on the part of the Government, I feel it due to his Excellency, to the Ministers, and to this House to explain why, and in what sense, I assent to this address. The language doubtless is open to criticism. My honourable friend, Mr. Swainson, has excepted to some of its expressions; but, whatever weight is due to his objections, I cannot think them fatal. The use made of his Excellency's name seems to be unavoidable, and to accord with the ordinary language of an address. I do not adopt them as imputing to his Excellency undue responsibility, or as relieving the Ministers from any responsibility attaching to themselves. Undoubtedly, Ministers are responsible for the advice given by them to the Governor of this colony, and that advice is clearly and emphatically expressed in the printed "Extracts from Minutes of the Executive Council, held on Wednesday, the 25th January" last; where it appears that "the Governor submits to the Council the question of the completion of the purchase from the native chief Te Teira of a certain block of land" at Taranaki, and, (as the minute announces) "the Council, after a full consideration of the circumstances of the case, advise:" whereupon follow the four heads of their advice, including the survey of the block, the protection of the survey-party by a military force, the power to proclaim martial law, and the instructions for the officer commanding to keep possession of the block, if necessary, by force. Still, in addressing his Excellency, we could not affirm that his Ministers had been forced into this course, or that the circumstances were beyond the control of those Ministers; and I trust we are not committed beyond our own meaning by the use of his Excellency's name. Neither do I wish in the words "unabated vigour" to express either censure or commendation upon the past conduct of the war. In the vagueness and generality of the address, I find shelter rather than danger. I believe that if the honourable baronet had attempted to frame an address which required any twelve men to approve of the same expressions for the same reasons, he would have found it impracticable, while the same men may assent to the same conclusion upon independent and even opposite grounds. I indeed wish that parts of this address were differently worded; but, approving of it in substance, I pray the House to bear with me, while I refer to a few of the leading circumstances by which his Excellency was forced into the present war.

For, Sir, it seems to me that, from the moment when in the beginning of March 1859, Te Teira offered for sale his interest in that block of land, and placed his mat before the Governor's feet in token of its surrender, his Excellency was bound by every consideration of treaty and of justice to accept the offer to the extent and upon the conditions on which he then accepted it. I think further, that from the moment when Wiremu Kingi, after passing with insult and defiance from the Governor's presence upon that occasion, after declining for twelve months to explain the nature of his own claim (if such he had), or the grounds of his prohibition upon the sale, after resisting the survey by force, and rising with his followers in arms,—when I say after these events this same chief refused even to meet his Excellency under a written promise of safety, but responded to the Governor's forbearance only by war dances, war pahs, and the murder of unarmed settlers, his Excellency had no alternative but to accept the issue thus forced upon him. Sir, I have sought in vain through the mass of papers printed for our information for evidence of that haste and precipitancy which has been hinted rather than imputed to the Government. After the first offer by Te Teira in March 1859, his importunities were incessant. The letter of the 15th March 1859, from himself and Retimana, was followed by that of the 20th March following. Again, on the 20th April 1859, his letter is signed by himself and three other claimants, while that of May 23d in the same year has seven signatures. These were followed by the letter of the 18th October 1859, and lastly, his pressing appeal of the 19th January 1860, is guaranteed by the signatures of nine other natives urging the completion of the purchase. Nothing could be more earnest than the language of these appeals to complete a sale, which the pre-emptive right of the Crown restricted these claimants from effecting with any other purchaser whatever. And what course did his Excellency pursue? There was no subterfuge, no possibility of mistake. Having accepted the original offer only upon condition that the title was undisputed, and dealing with Teira as for a proprietary right, the Governor wrote, through the Assistant Native Secretary (Mr. Smith), both to

Te Teira and to Wiremu Kingi those explanatory letters of the 2d April 1859. He told Te Teira "The Governor consents to your word, that is, as regards your own individual piece, but be careful your boundary does not encroach upon the land of any person who objects to sell." To Wiremu Kingi himself he wrote thus:—"Word has come from Te Teira offering for sale his piece of land at Waitara. The Governor has consented to his word, that is, as regards his own individual piece, not that which belongs to any other persons." The same anxiety to avoid injustice is shown by the letter of the 19th July 1859, wherein Mr. Smith answers Te Teira with assurances of the Governor's purpose, but adds,—"The Governor is in favour of the land being purchased, but the best thing, in his estimation, is for peace to be preserved at Taranaki." But, sir, there is one remarkable fact patent upon these papers which I ask the House to remember. For it has been alleged, not only that the claims of Wiremu Kingi were disregarded, but that the district commissioner at New Plymouth (Mr. Parris) hastened the purchase and provoked the war. Let hon. Members consult the correspondence, and they will find, that Mr. Parris actually held back the purchase in his anxiety for peace. Te Teira, in his letter of the 20th April 1859, even remonstrating on this ground; and Mr. Parris, in one of his letters, excuses himself for having delayed taking steps in the matter, by alleging that he was awaiting the result of meetings to establish peace between Wiremu Kingi and Ihaia, a circumstance which I shall recall to the attention of the Council when I deal with another branch of this subject. And what meanwhile had been the bearing of Wiremu Kingi? He had been informed that his Excellency meant to deal only with the proprietary right to one individual piece of land. In what spirit was his Excellency met? I will not weary the House by referring in detail to all the facts which have been so long before the public, although I will not intentionally omit one that appears to me to affect the questions raised by this address. Honourable gentlemen know what passed, when, on the 29th November, 1859, the instalment of 100*l.* was paid by Mr. Parris to Teira, in the presence of Wiremu Kingi, who had been invited to come and explain the meaning of his objection; how Kingi contented himself with statements such as "The land is theirs, but I will not let them sell it"—"although they have floated it, I will not let it go to sea;"—and so on. But I do ask hon. gentlemen to remember, that, while he is reported to have met the candour of his Excellency by meanwhile intriguing with the party of King Potatau on the Waikato, they will not find a trace of any assertion of right as belonging to himself. It will be seen from the accounts given by his Excellency, as well as from Mr. Richmond's memorandum, that, when Teira offered the land for sale in the presence of Wiremu Kingi, other natives rose and stated their proprietary rights. They were at once heard, and their claims entertained. W. Kingi therefore knew from the outset, that he had only to propound the nature of his claim, in order to secure his utmost right. But he would not. "Waitara belongs to the whole of us;" "The land shall never be given to you;" "I will not let them sell it;" and such like defiant but unexplained protests are all that could be extracted from him during a twelvemonth of patient investigation. I am aware that I shall be told, the words in Maori have a profound and hidden meaning not intelligible to the unlearned. And when we have applied our simple faculties to apparently plain expressions, some recondite Maori scholar tells us, "Oh! if you knew the habits of thought of the native mind, you would discover that those expressions convey a meaning very different from the plain import of the words themselves." To be sure, the scholars themselves may differ upon the interpretation; but, Sir, his Excellency is compelled to act upon the light afforded to his understanding. Was it then too much to expect that even Wiremu Kingi, lofty and proud, and ancestoral chief he may-be, should have condescended during the interval between March 1859 and March 1860, to state the meaning of his conduct? But no! after twelvemonths of sulky defiance, he treated the interview proffered by Her Majesty's representative with scorn; Mr. Parris and another gentleman, with Mr. Whiteley, a Wesleyan missionary, were bandied from place to place, and when Mr. Whiteley at last found and prevailed on this (so-called) proud chief to admit a conference with Mr. Parris, the utmost of his condescension was, that he would send his decision to his Excellency next day. I do not understand those gentlemen, who find in such conduct and language an intelligible claim of right to land, or any other declaration than a declaration of war. Notwithstanding all this, it may be said, it was in the Governor's control, whether he would originally accept Teira's offer, or at length accept Kingi's challenge. In one sense it was, viz., in that any man may physically control the motion of his own limbs. No doubt it was within the Governor's control whether he would direct the survey to proceed in the sense suggested, but it appears to me the conduct of W. Kingi left nothing to a sense of duty but to order that survey. And when to the above facts I add this one, viz., the ready supply of powder and ball cartridge in the hands of the natives around Taranaki, I cannot resist the conclusion that the enemy had long been preparing for the issue of peace or war, which at length was cloaked under a prohibited land sale, and which the Governor had no alternative but to accept. Sir, I will not discuss Wiremu Kingi's title. A large proportion of these voluminous papers is devoted to that question, which is, in my view, immaterial in considering the present address. Indeed this House, and the General Assembly of New Zealand, have selected me, as the only man in our Colonial Parliament not capable of forming an opinion upon Maori title. By the "Native Territorial Rights Act, 1858," an Act, which, although disallowed by her Majesty, had been sanctioned by the General Assembly, "It is declared that no court of law or equity within the colony hath or ought to have cognizance of any question of or affecting the title or right of occupancy of the aboriginal natives, as amongst themselves," except in cases bearing no analogy to the present. I am compelled to personate a court of law and of equity, and so am relieved from all responsibility. True, I have carefully considered the whole of those printed papers, and have obtained a proof of Archdeacon Hadfield's evidence, and contrasted it with Mr. McLean's. I have found much inconsistency and contradiction but no novelty, and have derived from their perusal this consolation, viz., of reflecting that little as I know of the native title, of the (so-called) "Maori law of real property," the generality of people even of the learned, the periti, know little more. Moreover, Sir, it may yet happen that one or more of the natives engaged in this war may yet stand at the bar of the Supreme Court charged with murder or even high treason. The House will permit me to keep the political entirely apart from the legal question to which it would then become my duty to apply myself, and I pray that no statement which I am constrained to express on this address may be taken as an intimation of judicial opinion. If indeed Wiremu Kingi originally took up arms bonâ fide in de-

fence of a legal title, if he merely resisted armed trespassers in the bonâ fide defence of his possesssion, and under a sincere claim of right it may be that originally he was not a traitor. But it must be remembered that a vague assertion of right, may be but the cloke of treason, and that a dispute which originated in a private right may by the acts and combinations of the parties be converted into a levying of war upon the Queen. Such considerations would become all important upon the trial or sentence of a party charged. On the present occasion it is enough to say that if Wiremu Kingi had any title, tribal or otherwise, he owes it to himself that his title was not recognized; seeing that the purchase from Teira and others was not hastily concluded, and that while his Excellency's conduct was marked by a patient and thoughtful reserve he met not only with defiance and contempt. But, Sir, when I assert that his Excellency was forced into this war by circumstances beyond his control, I look a little beyond this isolated purchase of Teira's land. I ask in what condition his Excellency found the native race? And, when it is said that King's dispute should have been referred to some tribunal, I ask what tribunal? If you tell me to the Commissioners, I ask what Commissioners? If Kingi had been summoned before some tribunal and had, as assuredly he would have, refused to come, what then? Sir, the position of the native race, with reference to titles to land, is a most extraordinary and anomalous one. They are practically without rights, for they have been lately pronounced by the law officers of the Crown to be without a remedy. And I pray the House to bear with me, while I refer to the document which I now hold in my hand. It is the paper relative to "the right of aboriginal natives to an elective franchise." The Qualification of Electors Bill of last session came to this House with a clause providing that "no estate, house, tenement, hereditaments, shall be deemed to confer such qualification, unless the same be held or occupied by title derived from or through the Crown." Upon the then present right of the natives to the electoral franchise, opinions varied. I know not whether my honourable friend opposite (Mr. Swainson) may have held a more decided opinion, but I guarded myself against expressing, and indeed held no positive opinion thereon. It appeared me that either the Maories had the franchise by the Constitution Act, or they had not; if they had it we ought to be careful in disturbing it; if they had it not, the announcement contained in that clause was superfluous, and calculated to excite the jealousy of the natives. I, therefore, preferred that the description of the electoral qualification should in this respect remain defined by the express words of the Constitution Act. The clause was negatived by this Council. This case was, therefore, prepared and submitted to the opinion of the law officers of the Crown. It is framed in a manner to elicit an opinion in favour of the views of those who framed it, not altogether impartially, and (if it were worth noticing the fact), I might add, in a manner not altogether respectful to this House. They did not suggest the case of a Maori chief (such as I have seen one) living in his own house, far better furnished than those occupied by a large proportion of the ten-pound householders in England, a chief entrusted with judicial functions as an assessor, whom his Excellency would honour and consult, and one of a class to whom, when the electoral franchise is not in question, some gentlemen would bid his Excellency defer upon a question of peace or war, a chief who has derived from his ancestors, and still holds an undisputed and exclusive possession of land, and is tenant of an estate practically almost as large in quantity as an English freehold. "The domiciliary condition of the natives" is here described, I will not say untruly as a whole, but certainly not in the manner most favourable to their claims, for they are depicted as living in an abject state. The opinion of the law officers certifies that whatever be the nature of the ownership of their lands by the natives, it cannot be described by the term "freehold estate," or the term "leasehold estate," which words are terms of Act in English law, presupposing the existence and establishment of the English law of tenures, and inapplicable to native ownership. The same principle is applied to household application. Now, Sir, none of us will presume to dispute such a principle of interpretation. The words freehold estate, and leasehold estate, do bring up to our ideas the category of English tenures, fee-simple, fee-tail, the curtesy of England, and so on; and I believe there is not a man in this House who would wish to see the mass of the natives involved in the vices of a general election. But remember that by applying this rule of interpretation, you exclude the natives to all time from the electoral franchise, unless they will consent to surrender their lands to the Crown. Now I entreat the attention of the Council to that part of the opinion which concerns immediately the matter in hand. It is this: "But suppose, in a district of native land lying within the limits of an electoral district, that one native, by consent of the rest, is permitted to have exclusive possession of a piece of land, on which he builds a native hut for his habitation, but is afterwards turned out, or trespassed on by another native, could he bring an action of ejectment or tresspass in the Queen's Court in New Zealand? Does the Queen's Court ever exercise any jurisdiction over real property in a native district? We presume these questions must be answered in the negative, and that it must of necessity therefore follow that the subjects of householding, occupancy, and tenements, and their value of native districts, are not matters capable of being recognized, ascertained, or regulated, by English law." This then is the answer of the Crown of England to the claims of the native race. After 20 years of Government, during which period the colony has been advancing in wealth and legislation, all that legislation has profited the Maori is little, that he is practically beyond the protection of the laws. And who are this people? Politically they are a people to whom twenty years ago the Queen guaranteed all the rights and privileges of British subjects, and this Colony has been enriched and our own Government established on the faith of that guarantee. In numbers they are about one-half of Her Majesty's subjects in these islands, far more than half of the population for whose benefit the Government of this Northern Island has been supposed to be administered. True also they have been Christianized (thanks to the self-denying zeal of the missionary); as a people they have shown themselves teachable, capable of civilization, easily convinced by reason and argument, no longer generally disposed to quarrel among themselves, not factious nor unruly. I accept the memorandum appended to these papers as an index of their domiciliary condition. It shows that they possess little to tempt the cupidity of the unscrupulous; but they do possess that one ewe lamb, —their land. It is this which they love and cherish. For this they have fought and bled, and at Taranaki we now find they will still fight and bleed again and again. And yet it is in respect of this darling object of their patriotism, their property, their all, that now, after twenty years of successive governments, from the direct government of the Crown to the present responsible government under our Constitution Act, the Attorney-General of England is constrained to tell them their rights can either be recognized, ascertained, or regulated by English law. Their property is without the pale

of the jurisdiction of the Queen's Court. The only panacea for all this is said to be, forsooth, a Crown grant. But suppose a Crown grant were issued to-morrow to any chief or individual native, would the peeple within that district at once understand, recognize, and adopt the complicated law of English tenures? If not—nay, even to discover the individual right to a Crown grant—the native title must first be ascertained. I look upon it that the real origin of the present difficulty is to be sought, not alone in the transaction with Teira's land, but in the progressive history of this colony, and in the present condition of the native race. In that history I find not only an abnegation of its duties by the Crown and British Parliament, by providing no Court of Justice for the natives, but an attempt by all successive governments of New Zealand to govern the colony without taxation. In all those essentials of local government, which in England are applied by the county system, you have here sought to save the pockets of the settlers from rates and taxes by relying upon your land fund. And with what tenacity do you still cling to that principle? We all remember the ten shillings clause in the Territorial Rights Act, by which no native could alienate his land to an European until ten shillings an acre should be paid into the Colonial Treasury. The European purchaser would deduct that ten shillings from the price he paid the Maori, as surely as we should deduct the charge of rates or taxes in estimating the rent or purchase money of property so charged. And yet we are told that this ten shillings would be no less to the native, because it would be the price of future improvements and public works. But, Sir, the direct improvements would be upon land already alienated to the European. And now, after twenty years have elapsed, may not the Maori ask, "Where are those public works which were to confer such blessings upon us? we see a smiling prosperity in your own districts, but you tell us our domiciliary condition is wretched as ever. We acknowledge the indirect advantages which we derive from your dwelling amongst us, but whilst all the ten shillings would come out of our pockets, the improvements would principally benefit yourselves." Sir, the land fund has fallen from beneath our feet, and now we reap the consequences of a fictious prosperity in unexpected trials. But, Sir, not only are the natives left unprovided with tribunals for the adjustment of questions of property;—even in matters affecting their safety and their lives they have been equally unprotected by the Queen's Court. I have already noticed the fact, that Mr. Parris kept back the purchase of Teira's land in the hope of peace being established between Ihaia and Wiremu King. How full of meaning is this fact! It is little more than two years ago that the tragedy of Katatore was enacted within the settlement of Taranaki. Katatore, it is said, had once slaughtered Rawiri and six others in a dispute respecting land, and it was only in January 1858 that Ihaia avenged Rawiri's death in the cross-roads outside of New Plymouth, where Katatore was pierced with bullets, beaten, and mangled with tomahawks, to the horror of the settlers of New Plymouth, under the eyes of the Queen's Magistrates, and almost within the precincts of the Queen's Court. Katatore had been opposed to the sale of land; Rawiri had favoured the sale. Ihaia now represents he latter, and Wiremu King the former interest. Then, as now, there existed no Court of Justice to which the claimants could appeal to adjudicate upon their rights. Surely, Sir, before I refuse to a ssent to this address, and by that refusal presume to censure his Excellency and the Government, I am bound to ask myself whether this state of things did not conduce to the present war by placing the Governor in a position which rendered war unavoidable. In voting for the affirmative the House will perceive that I find in these circumstances also grounds for mercy whenever we are in a situation to deal mercy to those natives who have taken up arms upon the land question merely, but have not imbrued their hands in the blood of unarmed settlers or innocent children. For we must expect that such men will plead in excuse of their crime, saying, "Whether our disputes be with each other or with the Government, you exclude us from your Courts of Justice; and, having no tribunal to adjudicate upon our rights of landed property, we have no alternative but to fight." It may well be, indeed, that I might have counselled his Excellency to submit tamely to the dictation of any Maori Chief rather than risk a Maori war; for I should hold the entire Province of Taranaki hardly worth the cost of one year's contest. With such views I should hail with gladness a return to peace founded on the re-establishment of the Queen's supremacy in that settlement. That supremacy is indeed ill asserted now. We present a sorry spectacle, with 2000 and 3000 men "taking care" of themselves and New Plymouth, and surrounded by, if report speak true, little more than one half the number of natives. Meanwhile the comparative suffering of the Europeans and natives evidently accords with the usual experience of mankind. The savage can lose little, but may gain much, in the process of his struggle with civilised troops. We all therefore desire peace, and I trust the time is not far distant when the British arms will be distinguished by conquest rather than retreat, and when the Native race shall find their best interests in submission to British rule. Until that hour, the welfare, the ultimate welfare, of both races demand that the war be prosecuted, in the language of this address, "with unabated vigour." Let us hope a favourable opportunity for peace may soon be found. I believe that the recent Conference at Kohimarama must have a beneficial effect in that direction, and that when those lately assembled chiefs shall inform their various tribes that they were received with hospitality, and cared for in sickness as in health, that they freely opened their griefs, and were respectfully consulted upon their own views of the wants of their own people, their influence will conduce not only to re-establish present peace, but to prepare the native mind for the work of self legislation. One view of this war I will shortly notice before I sit down. It has been said, that the acquisition of native lands was only a question of time, for that in a few years our native fellow-subjects would fail and perish out of the land, and thus their lands would devolve upon the colony by the course of nature. But, Sir, that view little accords with the objects which the Queen of England originally professed to the native race, when Her Majesty reluctantly consented to colonize these islands. That duty was accepted and undertaken less for the enrichment of the European than for the protection of the Maori, and the present Government of New Zealand have proved both by the measures which they introduced last session for the civilization of that interesting race, and by their more recent resolutions propounded in the House of Representatives that they desire to redeem the pledge which the Queen has given. Whatever be the individual views of any of us as to the best mode of carrying out that policy, whether we advocate a separate Native Board appointed by the Crown and responsible to the Crown as suggested by certain memoranda now on the table of this Council, or insist on the claim of Ministers responsible to the local parliament to guide the native policy as a department of local government, I believe all are actuated by the same desire of now at last giving to the natives the benefits of our protection and our laws. Had these objects been undertaken with the same earnestness at an earlier period of New Zealand history, I believe we should not now be assuring

his Excellency of our conviction that he had been forced by circumstances beyond his control into this native war.

The ATTORNEY-GENERAL entered into an elaborate and historical examination of the several facts and antecedents of the war, reviewing in an able and lucid manner both the justice and the policy of the war, commmenting upon what had fallen from Mr. Swainson, in reference to the relations that existed between the Governor and his responsible Ministers. The Governor was responsible for the war—a responsibility from which nothing that he (the Attorney-General) could say would relieve him; he must, at the same time, state, that the Ministry was responsible to the colony for the advice they had given—a responsibility that had no desire to evade—and which under similar circumstances they would not hesitate to repeat. Commenting upon the papers which had been laid upon the table and from which he proceeded to quote, the Attorney-General entered into a lengthened narration of the claims and career of William King from 1839 up to the present year, arguing that he had no title to the land to which he laid claim, which first belonged to Te Whero Whero by right of conquest, and which had subsequently been included in the land purchased by Colonel Wakefield. Reference had been made to Mr. Spain's Court in this matter, and after a careful investigation it had been decided that the land was not King's; in that very land was included the portion purchased from Teira, the cause of the present disturbances. It had been found impossible to act upon Mr. Spain's award, not from want of right but from want of power. It had been alleged that there was now no tribunal for investigating native title; but that was the fault of the Imperial, not of the Colonial Government, which had disallowed the Native Territorial Rights Bill, and in proof he (the Attorney-General) would read an extract from a despatch from Lord Carnarvon to show that the objection taken by the Imperial Government to such a tribunal was that its decisions could not be inforced without the employment of troops which the Imperial Goverement was unable to provide. The Attorney-General had not the same difficulty as that which the Chief Justice had expressed in designating the legal offence of which William King was guilty—whatever view might be taken of the punishment proper to be inflicted, there could be no doubt that the offence was treason. With respect to what had fallen from the Chief Justice relative to the land fund being applied in defraying the expenses of Government, he wished to correct that statement—that fund had been expended in roads, wharves, and bridges, from which the Maori derived equal, if not a greater, benefit than the European. There were two points of view from which he wished to consider the present war—was it just? was it politic? In determining those points the Attorney-General, adverting to the condition of Taranaki, to the constantly recurring native conflicts in the very centre of European colonies, the murders, the assassinations, that had taken place, and the uniformly turbulent conduct of William King. Reviewing every circumstance the conclusion at which he was compelled to arrive was that the war was just—that it was politic—and that it was unavoidable. It was not the Governor who had made war. It was William King. And there was no way left but to prosecute that war to a just and honourable conclusion.

Sir OSBORNE GIBBES said that at that late hour he would only detain the Council with a very few additional remarks. But he must first allude to a subject, in some degree personal to himself. His hon. friend Mr. Harris, had made some observation to the effect, that he (Sir O. G.) had, though no doubt unintentionally, imputed motives to the rev. gentlemen to whom he had alluded in the early part of the debate. He begged to assure his hon. friend that he was quite mistaken; it was not his disposition to impute motives to any one. All that he had done was to refer to facts. The hon. baronet then read over again the passage from the letter of the Bishop of Wellington and Mr. Hadfield, to the Duke of Newcastle, which he had before quoted, and the passages from the evidence of Mr. McLean on the same subject, and said he could only repeat, what he had before asserted, that in that letter there was the greatest misrepresentation. He had not entered into the subject of Te Teira's claim. It was enough for him, he trusted it was enough for the Council, that Mr. McLean had pronounced it to be valid and indisputable, Mr. McLean was not a rash, a hasty, an impetuous man. He could have no object or interest in endeavouring to acquire for the Government a piece of land, the title to which was really questionable. He had taken months of patient investigation and deliberation, before he arrived at his final decision, and when once he had placed that decision in the hands of the Governor, his Excellency had no alternative but to adhere with firmness to the line of conduct which he had publicly declared his determination to adopt. The hon. gentleman (Mr. Swainson) had said that Taranaki could only be kept as a military post, but he begged to remind him that it was only by occupation of the lines of Torres Vedras as a military post that the Duke of Wellington had been enabled to keep possession of Portugal, and finally to drive the French over the Pyrenees. The hon. baronet would only revert for one moment more to the circumstances which had gradually led to this war; the arrogant behaviour of the natives at Taranaki; the increase in the European population; the mischievous interference in the relations between the Government and the natives, and the withdrawal by the Home Government of almost all the troops from the colony. These were the successive charges that had gradually loaded the electrical battery, and it was the finger of W. King, his daring defiance of the British Crown, which had produced the explosion of which we now witness the effects. Under these circumstances the Governor had only one of two courses to adopt; that of vindicating the majesty of British Supremacy, or of truckling, not only now, but at all future times, to the will of the natives, in a way which would have made every Englishman blush to hold up his head in the presence of a Maori.

A division was called for, the result of which is as follows:—

Ayes 11:—The Attorney-General, the Chief Justice, the Postmaster-General, Captain Salmon Mr. Harris, Mr. Menzies, Mr. Crawford, Sir O. Gibbes, Captain Curling, Major Richmond, Mr. Cutfield.

Noes 3:—Mr. Swainson, Colonel Kenny, Mr. Gilfillan.

The House adjourned at half-past 6.

Appendix No. 6.

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DEBATES.

NATIVE OFFENDERS' BILL.

Extracted from the "NEW ZEALANDER" Newspaper, dated Auckland, August 8, 1860.

HOUSE OF REPRESENTATIVES, Friday, August 3, 1860.

PRESENT:—The Speaker and Messrs. Bell, Brandon, Brown, Carleton, Carter, Clark, Cookson, Curtis, Daldy, Domett, Farmer, Featherstone, Fitzgerald, Fitzherbert, Forsaith, Fox, Gillies, Graham, Haultain, Heale, Henderson, Jollie, Kelling, King, Monro, Moorhouse, Renhall, Rhodes, Richmond, J. Richmond, Sewell, Stafford, Symonds, Ward, Weld, Williamson.

NATIVE OFFENDERS' BILL.

Mr. Richmond (Colonial Treasurer, and Minister for Native Affairs), according to notice, moved for leave to bring in "The Native Offenders' Bill," 1860. —In so doing, the hon. member adverted to the surprise felt by Ministers at meeting no opposition upon the Address in reply to His Excellency's opening Speech; and at being suddenly called upon to make a statement of future policy, instead of having to answer for their past deeds, as they were prepared to do in the debate which so unexpectedly collapsed. The disappointment, and even irritation, of members under the circumstances, were natural enough, but Ministers were not to blame. And now, learning that Ministers had to perform for a time the functions both of Government and opposition, he would take the earliest opportunity of stating, according to the understanding given during the desultory conversation which took place after the Address was carried, in what way Ministers proposed to state their own views and give opportunity for discussion upon the various important topics glanced at by the members who took part in the conversation to which he referred. What the hon. member for Wanganui called, rather vaguely, "the "whole question," embracing as it did the past, present, and future of Native policy in all its aspects, was far too much for a single statement—a summer's day, nay, a solid week could not suffice. The practical way, he would put it to the House, would be, to deal with the subject in several divisions; and this was the way he would propose. First, he would on the present occasion go into what is called the Waitara question,—the question between the Governor and Wiremu Kingi —about which the House displayed most anxiety. Next, on moving the second reading of the Native Offenders' Bill, he would explain, as usual, the policy of that measure. Thirdly, he would, at the present sitting, give notice of motion for the appointment of a select committee to report, whether it would be practicable and expedient to make any, and what, change in the present mode of extinguishing the Native Title. Fourthly, the question of the relations of the Governor and Responsible Ministry in Native Affairs, which, he observed in passing, the House could not alter at its will, together with the question whether the existing machinery for the conduct of Native Affairs could be improved, would naturally, and inevitably, be raised on the second clause of the Native Offenders' Bill in committee. This discussion was of a nature it would be very convenient to take in committee. Lastly, he would within a few days make some new propositions with respect to the future Civil Government of the Natives. Addressing himself to the first of the above mentioned topics, the hon. member spoke as follows:— Sir,—There are two things to be considered about this present war—its Justice and its Policy. The question of Policy we supposed would have been debated upon the Address in reply to his Excellency's opening Speech—which, however, was voted *nemine contradicente*, and without debate, after the speeches of the mover and seconder, I say we intended by the Address to put in issue the policy of the war, taking of course —as it was decorous and in every way right to do— the basis of the Governor's facts. We proposed that the House should assume the premise that the rebel Chief of Waitara, Wiremu Kingi, neither asserted nor possessed a title to the land sold by Te Teira's party, and should fully discuss the conclusion drawn by his Excellency's speech, and admitted by the Address, that such being the case it was his Excellency's plain duty to repel Kingi's pretension to interfere with the sale, by force of arms. Much seemed open to fair discussion upon this subject. Many doubts and objections might naturally present themselves to members who had not fully given their minds to the question, or were but imperfectly acquainted with the state of the Northern Island. Why, it might have been asked, did the Governor accept Te Teira's offer? Why, did he bring war and confusion into that Maori Paradise of peace and loyalty, the Waitara pahs? Why, having begun, and encountering serious opposition, did his Excellency pursue his undertaking? Why did he not threaten, and back out, as former Governors had done before him? Why did he not surround the L pah? Why did he not send succours at Waireka? Why did he get into a Land quarrel? Why did he obstain from interference with the Maori King party so long? Why did he rouse the Maori King party so soon? Surely,

surely, some of these were tempting questions for an Opposition to handle—and a fine field for those numerous prophets who are wise after the event! Now, sir, we Ministers understand that it is still practically open to discuss these points—all or any of them though they are technically determined by the vote of the Address. We desire to see the whole question thoroughly ventilated. But I do not to-day propose to enter upon the wide field thus opened. I desire to day to address myself to the less extensive topic of the justice of the war. I need not say the justice of the war is one and an essential element in the question of its policy—but it is one element only. Now the question of justice depends upon a statement of facts to which the Address plainly does not commit this House —and to which it would have been very wrong to attempt to commit you. I propose, then, to deal with the subject in this order:—First, to explain the ground taken by his Excellency the Governor, with the advice of the Executive Council of the Colony, when he ordered the survey of the Waitara Block. Secondly, to state the grounds we have for the conclusion, that the sellers of the land had a valid title, and Wiremu Kingi no right to interfere. Now I declare, *in limine*, that these two things are quite distinct. Teira's title is one thing, the Governor's refusal to submit to the dictation of the Taranaki Land League is another. I shall fully develope this in the course of my argument, and thus set right the misapprehension which in some quarters prevails as to the true principle of the war. The ground, I say, of the Governor's action was, and is, his Excellency's refusal to submit to the dictation of the Taranaki Land League headed by Wiremu Kingi Te Rangitake. It is plain as the sun at mid-day that Kingi's stand has throughout been taken, wholly and solely, as a land-leaguer. The difficulty in the way of proving this is only what attaches to the proofs of all glaring matters of fact. There is the negative proof of the absense of all claim by Kingi as a proprietor; and that he does take stand as Head of the Land League requires to be shown only to those who are entirely ignorant of the affairs at Taranaki. Yet this House very naturally would like some distinct testimony, above all, if possible, some documentary proof, of my assertion: for authorities of this kind have a natural preference for the *litera scripta*. I shall therefore show what sure ground we really have. The overt and formal origin of the Taranaki Land League was the Native meeting at Manawapo in the Ngatiruanui country, south of Cape Egmont, in 1854. There were present representatives of all the tribes from Waitara to Wellington. The meeting is described in the Rev. Mr. Taylor's work on New Zealand *Te Ika a Maui*. And that the House may judge of the ultimate tendency of Land Leagues in general, and the virulent character of the Taranaki League in particular, I will mention a most important fact revealed at the Native Conference now sitting in our neighbourhood, at Kohimarama, respecting what took place at Manawapo. It is positively stated by Chiefs who are cognisant of the fact, that not only did the meeting resolve against all further land sales, and that Waitaha should be the Pakeha's boundary to the North, but it was attempted to resolve on the resumption of the land already sold and on the extermination of the Pakeha. As a symbol of this resolution, a tomahawk was passed from chief to chief. It went round the whole meeting, and was then sent to that influential and excellent Native, Matene te Whiwhi, who had retired to a hut close by; he refused to take the hatchet, and his opposition thus signified stopped the bloody scheme. The man who took the hatchet to Matene was Paratene te Kopara, who was killed at Waireka. I do not intend to impute to Kingi any complicity in this part of the business. He was not present at the meeting, but he actively adhered to its land-holding policy, which had always been his own. The first fruit of the league was the death of Rawiri Waiaua, the highest chief of those *hapus* of the Ngatiawa known as the Puketapus. Wiremu Kingi was the active abettor of Katatore, by whose hand Rawiri and his brothers were slaughtered whilst unarmed, and engaged in cutting the boundary of a block he was offering to the Government. Katatore would never have dared to lift his hand against his near relative and superior, had he not been encouraged to the act by the certainty of Kingi's support, which was freely afforded him during the war waged against him by Arama Karaka and the Ninia people to avenge Rawiri's death. Kingi's hostility to Ihaia is known to all New Zealand. Ihaia's pertinacity as a land seller is the sole cause of the deadly hatred between these men who are thirsting for each other's blood. But you know the frightful catalogue of crimes which, since 1854, have followed in rapid succession in that unfortunate district, and I have already said enough to indicate the character of the Land League in Taranaki—what fruit it has already borne, and what fruit it might be expected to bear if not uprooted. Such being its dark and truculent character, I shall not dwell on the injustice inflicted by the League on the Native proprietor, nor upon the complete incompatibility of such compacts with the acknowledged rights of the Crown; but will go on and ask the House, in the light of its knowledge of what a Land League is, to look at Kingi's attitude before the Governor in March, 1859, when Te Teira, as spokesman of his party, made the offer of the Waitara Block. Now what does Kingi do on that remarkable occasion? Does he claim the land as his own? Does he contest Teira's title? Does he say, This man and that man have claims? No. He bluntly declares, "Governor, "there is no land for you. Waitara is in my hand, I "will never let it go. Never. Never. Never." Then again look at his replies to Mr. Parris, to the questions put to him on the payment to Teira's party of the first instalment of the purchase money. Mr. Parris asks:—

"Q. Does the land belong to Teira and party?—"*A.* Yes, the land is theirs, but I will not let them "sell it."

"Q. Why will you oppose their selling that which "is their own?—*A.* Because I do not wish for the "land to be disturbed: and although they have floated "it, I will not let it go to sea."

"Q. Show me the justice or correctness of your op-"position?—*A.* It is enough, Parris, their bellies are "full with the sight of the money you have promised "them, but don't give it to them; if you do, I won't "let you have the land, but will take it and cultivate "it myself."

Just mark that last phrase, King says he will *take* the land. If Taylor persisted in his enterprise King was prepared to seize the land, as forfeited by a sort of escheat to this little sovereign. Now I say the whole of this is plainly the attitude, not of the dissentient claimant, but of the open uncompromising opponent of all land sales—the man who is prepared to show his opponents that, as he says himself in one of his letters, land selling brings death. The House is of course aware that the land in question is within the boundary of the block of 60,000 acres purchased in 1840 by the New Zealand Company's agent of the resident Ngatiawa. You have before you the whole of the documents, and you know that although Mr. Commissioner Spain reported that he had never seen a block of land which could be occupied by Europeans with less inconvenience to the Natives, and that the purchase had been fairly and properly completed; Governor Fitzroy refused to act on that decision, and declared that he should allow in their integrity the claims of those of the Ngatiawa tribe, who, having migrated, or being at the time in captivity, were not parties to the sale. Since that disastrous decision we have been gradually extinguishing the particular claims thus reserved. One small block after another has been added to the little piece on which the town stands, known as the Fitzroy Block. First came the acquisition of the Grey Block—then the block which deservedly bears the name of my friend the honourable member for Wallace County—the Bell Block—a purchase for which New Plymouth owes him a lasting debt of gratitude. For I may here mention that the

hon. member is one of the three men who have achieved the difficult feat of making a land purchase in Taranaki. The three are the Chief Commissioner, Mr. McLean, Mr. Bell, and Mr. Parris. Then came the Hua and Waiwakaiho purchases, and then the Tarurutangi. The last named block was bought by Mr. Parris, and there has never been a doubt or a question about it. Now my honorable friend knows that William King has never had one single sixpence paid to him for these blocks, nor has his consent ever been asked to their sale by others. He did make a claim for payment for the Bell Block. As he was coming up the coast from Waikanae he saw Mr. McLean, and said to him, "I hear they want to sell "Mangati (the Maori name of the block). Don't buy "it, I shall want payment for Mangati," or words to that effect. When King reached New Plymouth this claim was looked into, and turned out to be, as I heard the Chief Commissioner tell the assembled chiefs at Kohimarama the other day, "a bag of wind." So King never got one half-penny for any of these blocks. Now, what is King's stand now? He wants to put a stop to this gradual process of acquisition contemplated by Governor Fitzroy. He says, "No more "land shall be sold—I will neither sell myself nor let "others sell." The house is now prepared to understand a very important letter which puts this beyond doubt or question, and must I am sure satisfy the desire of the House for documentary proof. It was a letter addressed by King to the Governor, which reached Auckland whilst his Excellency was absent. It is dated February 11, 1859. King writes:—

"Friend the Governor,—

"Salutations to you. I have a word to say to you and to Mr. McLean. Do you hearken to our Runanga respecting the land. Do you hearken: The boundary commences at Waitaha, thence along the boundary of Tarurutangi to Mangaraka, thence on till it reaches Waiongana; it there ends;—again it proceeds along the course of the Waiongana stream till it reaches the boundary of Paritutu, where that ends. Again it commences at the mouth of the Waitaha, thence along the coast line in a northerly direction to Waiongana, Waitara, Turangi, Waiau, Onaero, Urenui, Kaweka, Kupuriki, Waiti, Paraeroa, Karakaura, Te Kawau, Pautama, and Mowhakatino. The boundary of the land which is for ourselves is at Mokau. These lands will not be given by us into the Governor's and your hands, lest we resemble the sea-birds which perch upon a rock; when the tide flows the rock is covered by the sea, and the birds take flight, for they have no resting place. I therefore bethought me of what was said in former times about holding land. My word is not a new word, it is an old one; Governor Hobson, Governor Fitzroy, and Governor Grey have all heard it, and now that you have come, O Governor Browne, I send the same word to you that I sent to the Governors, to hold back my land. You, O Mr. McLean, are aware of that word of mine when you first came here and saw me, you heard that same word from me, 'I will not give the land to you.'

"I have therefore written to the Governor and you to tell you of the Runanga of this new year, which is for withholding the land, because some of the Maories still desire to sell land, which causes the approach of death; it is said that I am the cause, but it is not so, it is the men who persist; they have heard, yet they still persist.

"If you hear of any one desiring to sell land within these boundaries which we have here pointed out to you, do not pay any attention to it, because that land selling system is not approved of. This is all.

"Salutations, O Governor Browne, to you and Mr. McLean, and do you write and send me your love. It is ended.

"From your Friend,
"WIREMU KINGI WITI."

Now the House must observe that Waitaha is a small stream just beyond the Bell Block, which is the extreme northward boundary of the English settlement. Waitaha is the land leaguer's boundary agreed to at Manawapo. King's is the boundaries I have just read, begins at Waitaha and runs inland straight along the English line, and says "You shall have nothing beyond "Waitaha—nothing between that and Mokau." Now I ask, is this a claim of title? Is this the boundary of a Maori proprietor? Why he includes all the Puketapu country. Is it not plain that this is over again the same thing: The Europeans shall not advance one step. They shall have neither my land "nor that of any one else." This tyranny is the grievance of Mahau, the present head of the Peketapu. Look at his letter to the Governor published in the *Maori Messenger* of 30th April. This is the grievance of Huia, of Nikorima, of Te Teira. This is what has filled Taranaki with strife and bloodshed. We are often reminded by high authority that we owe a debt of gratitude to the Maories, and are especially exhorted to be grateful to William King. Sir, I admit the debt, but the Natives to whom I shall take leave to pay it are those who stand by us—to our steady old friends—to Tamati Waka above all—and in Taranaki to the brave men whose friendship to the European is at this moment endangering their lives—to Poharama, Mahau, Te Teira. I will make due allowance for all, even for those in arms against us. But let no man insult my feelings and my understanding by daring to talk to me of gratitude to those whose hands are red with the blood of my fellow countrymen. Here, then, in this letter I have just cited you have the Land League confirmed. King has gradually been consolidating his influence in New Plymouth ever since his return, till his mana has reached the Waitaha. His right is that negation of right, the strong arm. He is defying Governor Browne as he defied Governor Grey. This, then, is King's attitude, the attitude of contumacious defiance. It would be bad if, having might, and being challenged to shew it, he had refused to do so. But he goes far beyond this. He plainly admits Teira's right, whilst he openly declares that for all that Teira shall not sell. Against this assumption the Governor took his stand and the common sense of the country backed him, and I should like to see any man have the face to stand upon the floor of this House and deny the justice of the course the Governor has taken (cheers). At the present moment, I repeat, the Governor's position is free and clear of the question of the title to the block. No title has been asserted, but the Governor has been defied. The question of title is such as I shall now demonstrate. Some members, amidst the heap of information, may have missed this important point. But if they will turn to the papers laid before the House relative to the insurrection, they will see from the official statement published at New Plymouth in March last, that on occasion of the payment of the first instalment for the Block, a declaration was made to the Natives by the District Land Purchase Commissioner on behalf of the Governor, "that if any man could "prove his claim to any piece of land within the "boundary described, such claim would be respected "and the claimant might hold or sell as he thought fit." No claim adverse to the sellers was put forward then or at any prior or subsequent time. But the declaration still stands—in favour, at least, of all who have not forfeited their right by rebellion. Not only was the possible existence of unknown rights—[*Mr. Sewell*: latent equities]—Yes, that is exactly it—not only I say were latent equities thus guarded against, but the inland boundary of the block was left vacant, and is vacant at the present moment. The Governor safely stands upon King's contumacious refusal to answer when solemnly challenged; and here I would say a few words about the sad nonsense which has been talked about the wickedness of opposing force to force instead of taking the case into the Supreme Court. I need not enlarge upon the folly of supposing that King would have answered a summons, or that he would have submitted to the decision; nor need I say that the Court has no jurisdiction. But what I want to state is this, that, virtually, the Gover-

nor in person, or represented by a Commissioner of the Land Purchase Department, is a Court in which Natives who have claims ought to answer when challenged so to do. This is quite constitutional. The Crown is the fortress of justice as well as of honour, and all the Law Courts exercise a delegated authority, and shine as it were with a refulgent light. The highest of the English Crown Law Courts is that in which by intendment of Law, the Sovereign is present in person: I mean the Court of Queen's Bench. I own, however, that I should be glad to see some attempt made to establish a tribunal for the trial of questions of Native Title, which now are only raised on offers of land for sale. The House knows it is not our fault if such a Court is not now in existence. We made a proposal in that direction in the Native Territorial Rights Bill, 1858, but the qualms of the Home Government, as expressed in Lord Carnarvon's Despatch of 18th May, 1859, stood in our way. But though the Governor's stand was taken as I have already explained, it was not without anxious inquiry whether King might not conceal a real claim under the blanket of a Maori land league. We saw he might try to betray the Governor into deadly sin by something like the notable contrivance of William of Normandy, when he swore Harold upon the concealed relics at Bayeux. And this leads me to the second part of my subject, the grounds of Te Teira's title. Ultimately, this House must found itself upon authority. We cannot expect to form an independent judgment upon such a subject; but I shall for the information of the House state the grounds as I have learnt them. I shall refer chiefly to documents which are, or in a few hours will be, in the hands of members, drawing here and there upon my personal knowledge of local matters and other particulars. The sellers belonging to two hapus of the Manukorihi section of the Ngatiawa tribe, the Ngatituaho, and Ngatihinga. The principal sellers are descended from a common ancestor, Kahuitu, and their generations ascend to the mythical era of New Zealand history. The pedigree of the resident sellers and of W. Kingi, who also is of the blood of Kahuiti, is given in a late number of the *Maori Messenger*. I may state that the pedigree was prepared merely for the sake of contrasting the descent of Raru, Raupongo, Hemi Pataka, Retimana, and the rest of the residents, with that of Wi Kingi; who there appears as the offspring of a female, Maurirangi, daughter of Poukorero, a remote ancestor, whilst the sellers trace through the sons of the same Poukorero. Maurirangi married a stranger —contemptuously described "as a fish that drifted "here without a canoe." (his name not being handed down as one of the Maori Argonauts.) "He ika tere "mai kahore ona waka." From him sprung Wm. King. These families have for a long space of time, perhaps for centuries, owned the south side of the river mouth, and old Natives at Port Nicholson tell how the Ngatituaho exchanged the lampreys of Waitara, and drift totara, to which they claimed exclusive right, for taro and kumera grown by the people of the Manukorihi Pa on the North Bank. Before the great migration to the Straits, Raru (Teira's father) occupied the Pukekoatu Pa on the block now sold. Kingi's father, Reretawangawanga was a Ngatikura, and his pa was at Manukorihi, where William King's cultivations now are. The Manukorihi forms a bluff on the river whose course it slightly deflects, and it appears that some of the people of the Manukorihi pa had small patches on the opposite or South bank, which they crossed to cultivate. At the meeting in March 1859, Teira explained that King owned some small pieces here, and to give him no ground for cavil, Teira left out of his offer a plot, opposite the old pa, of about 60 acres. The Block, with the exception of the site of the Kuhikuhi pa, has been in the exclusive occupation of the sellers. King occupied Kuhikuhi by leave of Tamiti Raru and Rawiri Raupongo, asked and granted upon the return of the Manukorihi from Waikanae. The sellers have had their own separate pa alongside of the Kuhikuhi, its name is Hurirapa. You will see Taylor dates his letters from it. I say the Block was exclusively cultivated by the sellers, for I understand that the encroachments of King's people, which you will see mentioned in the Taranaki memorandum, were on other parts of the south bank claimed by Te Tiera's party. Signal acts of ownership have been done by Te Teira since the offer. Thus, on one occasion, when he returned from the Town of New Plymouth, after a visit of some days to Mr. Parris he found the opposing party had set up a fence on the Block. This he immediately cut down without opposition. Another curious little circumstance mentioned by Mr. Parris, in his Narrative, which will presently be laid before you, was the attempt to wheedle the selling party into an abandonment of their intentions. They built Retimana a new reed house very nicely furnished and might perhaps have won him over, but Te Teira, who is made of sterner stuff, kept him up to the mark. The contumacy of Kingi has thrown difficulties in the way of obtaining direct admissions out of the mouth of the opposing party; and the long absence of the Ngatiawa from Taranaki seems to have confined minute and accurate knowledge on the subject of their boundaries, and of the ancient relations of the *hapus* one to another, to a comparatively small number of persons. Still there are important admissions to which I shall refer. First, I will speak of what occurred at the meeting in March 1859, for I was present on that occasion. I was not in the least prepared to expect that such an important business would be brought forward, for few persons knew—and I was not amongst them—that Te Teira was going to offer land to the Governor. I entered a little after the proceedings had commenced, but in time to see Teira rise, and describe his boundaries. I was very much struck by the quiet, yet firm manner of the man. I only wish he had been able to accept his Excellency's invitation, to Kohimarama, and that he were here to speak for himself. But the state of things at New Plymouth rendered it impossible for him to leave his relatives. There was a large gathering of the leading men of all the sections of the Ngatiawa. William King, as you well know, was present with a part of his people—his mob as they called them in Taranaki. Then Teira, as the spokesman of his party, amidst profound silence, described his boundaries, passing from point to point with the utmost apparent precision, and explaining how he had drawn in his boundary at the inland corner, next the river, to avoid all questions with King. He ended by asking if the Governor would consent to buy his land. During the pause which ensued whilst his Excellency consulted with the Chief Commissioner and myself, a native named Piripi got up to propose that a block of land, inland of Teira's, in which Piripi has some claims, should be added to Teira's, and sold as one block. "This proposal," writes Mr. Parris, in his Narrative, which I shall now quote, "was instantly opposed by Patukakariki and "several others, when another man (Hemi Kuka) got "up to offer his land at Onaero, which caused some "confusion; and seeing it was likely to interrupt "Teira's question, I requested Hemi Kuka to sit "down, which he did. Piripi was still standing, and "Wm. King rose to put him down, when Teira said to "him, 'E Wi, noho koe ki te whenua, maku e whakaoti "'te tikanga a Piripi.'—[Wm. King, you sit down, I "will stop Piripi]. Wm. King sat down, and Teira, "addressing himself to Piripi, said, 'I shall not con-"'sent that the land which I am offering shall be "'entangled with any other; when mine is sold, you "'can do as you like with yours.' Quietness having "been restored, Teira again put the following ques-"tion to his Excellency the Governor, 'Will you "'consent to buy my land?' His Excellency replied "through the Chief Commissioner, 'If the land is "'yours, I consent to buy it:' upon which Teira "walked up to his Excellency with a Kaitaka mat, "and laid it down at his feet, as a token that the land "had departed from him. Seeing there was no in-"terruption, some natives present said, 'Kua riro

"'Waitara,'—[Waitara is gone]—when Wm. King "rose, and in a very disrespectful and sullen tone, "said, 'Governor, there is no land for you,' and left "most abruptly and unceremoniously with his fol- "lowers, without offering the slightest explana- "tion." — Now, according to native ideas, according to common sense, this striking scene is, in itself, powerful evidence in the way of admission of Teira's title. I call the House to remark in particular, the constrast between the reception given to the offers of Piripi, and Hemi Kuka, and that of Te Teira. Again, King's own direct admission on payment of the first instalment, appears to me to shut him up entirely. I have already sufficiently dwelt upon this. I say that it is in vain to wrestle with words like these,—"The "land is theirs, but I will not let them sell it." Mr. Parris reports that other natives who are now with King, particularly Hapurona, King's fighting man, a Ngatirahiri, and therefore a discontented party, corroborated the statements of the sellers. I shall now again quote Mr. Parris's Report. The eighth paragraph is as follows:—"Rawiri Raupongo, an extensive claimant "in the Waitara district, was frequently forcing the "sale of this land upon me privately, being, as he "always assured me, afraid to move publicly in the "matter, lest he should be served the same as Rawiri "Waiaua was;" and the opposing party for a time had an impression that he was not a consenting party, for one of William King's principal men, Komene Patumoe, made a statement to Archdeacon Govett, which that gentleman has furnished me with, a copy of which I here insert:—

"New Plymouth, July 10, 1860.

"DEAR SIR,—I have no objection to give you a written statement of what was said by Komene Patumoe to me, regarding the sale of the block of land at Waitara. His expression was, that if Kawiri Raupongo had been a consenting party to the sale, they could not have had anything to say against it (Kahore a matou kupu). By this I understood him to mean, that the Natives generally at the Waitara could not have reasonably opposed it. I remain, &c.,

"HENRY GOVETT.

"Robert Parris, Esq."

—Most important also is the adherence of Ropoama, head of the Ngatituaho family. This chief is one of the absentees, and resides at Queen Charlotte's Sound. The statement made respecting him in the official memorandum of 20th March 1860, published at New Plymouth, is made, I may here state, on the authority of the Chief Land Purchase Commissioner, who revised the allegations of that document respecting the title. We have, therefore, the professional and official authority of Mr. M'Lean. But as it is unsigned, its slender thread of narrative was merely intended to correct and explain the document which it embodies. His Excellency lately called on the Chief Commissioner to give a written Report in the shape of answers to questions—so as to complete the documentary evidence before the House. I shall read this Report before I sit down. Now, unless you are going to doubt the good faith and veracity of the officers of Government, you must take these facts—and to what other conclusion can you come than that the people who are selling to us have a substantial indisputable title? I don't say there may not be, what the hon. member for Christchurch (Mr. Sewell) calls, "latent equities." It is possible. But we are innocent purchasers without notice. I know there is a long pedigree, and many takes (roots), and there may be somewhere an outstanding claim which has escaped our process of extinguishment. But what are the merits of the claimants, if such they can be called, who have held back? I don't think this House will think much of them. But what about mana? I hear some hon members asking —what about mana, and seignorial and manorial right? Sir, I know nothing about mana, and I don't care to know anything. I shall leave the mana question to the hon. member for the Bay of Islands (Mr. Carleton). It is a question of which the transcendental nature just suits that hon member. He will treat it, I know, with his wonted ingenuity and metaphysical acumen, and illustrate it out of the stores of his varied learning. It is like the question of *scintille juris* which vexed the Elizabethan Bench. That, too, was a question which would have delighted the hon. member. He would have been great upon it. But it is too high and thin a region of inquiry for me to live in. I can fancy that Sir Harry Vane must have been treating of some constitutional mana question—must have been wagging his beard and looking intensely wise and good over it —when Cromwell prayed so fervently to be delivered from Sir Harry Vane. So may I be delivered, on the mana question, from my hon. friend the member for the Bay. I say I know nothing of Maori mana, and in the present case I care nothing about it. I only know, as I have already said, that we have hitherto dealt without let or hindrance from any lord of the manor, with the various families, and groups of families, which make up the Ngatiawa tribe. No man can tell you more of this than the hon. member for Wallace County. But I have already gone over that ground. No one till now ever dreamt of such a right of veto as William Kingi is said to have, as chief of Ngatiawa. I say "is said to have," for he does not assert it himself. He stands not on right of any kind, but on force. I here refer you to Governor FitzRoy's memorandum, disallowing Spain's award. You will not accuse Governor FitzRoy of too low a view of the Native claims. Yet see how he writes: "He would imme- "diately cause further investigation to be made as "to the various claimaints to particular portions of "land; he would then endeavour to make special "arrangements with those claimants, and he would "allow, in all their integrity, the claims of those "of the Ngatiawa tribe who were not parties to the sale "in 1840." Again, "as the claims of those (European "settlers) who had bought land near New Plymouth "will be as good years hence as they are now, and as "by far the greater part of the distant choices, not yet "cultivated, are owned by Ngatiawa not yet returned, "but intending to settle on or near them, it is ex- "tremely desirable that the agent should defer treating "for those sections until their real owners or the "majority of them are on the spot." You see he evidently contemplates piecemeal operations with individual owners. We had not reached in those days the full refinement of our modern view of Tribal Title and the rights of the Chief. If you will look at the reports of Protector and Sub-Protector Clarke on the Taranaki question, you will find plenty of indications of the same ideas. All the old land claimants (as I am credibly informed) brought of small sections of tribes, of one or more influential men who carried the rest of the common occupants with them. I shall also cite here some incidental, but significant expressions of the bishop of New Zealand. His Lordship once wrote a pastoral letter to the members of the Church of England at New Plymouth. It is a document of which the people of that place have a very vivid recollection. His Lordship writes, "with these facts before our eyes," *i.e.*, Governor FitzRoy's proceedings and the subsequent successive purchase of the blocks I have already mentioned, "with these facts before our eyes, and after this "repeated recognition of the title of the various "sections of the Ngatiawa tribe to those places which "they occupied before their expulsion by the Waikato "invaders, how can we go back to the Company's pur- "chase from the sixty Ngatiawas who remained here? "&c., &c." Here again is the same reference to the individual right of particular occupants. Surely the title which is to be recognized as against the European claim is equally entitled to support against the Maori usurper. After all, what is mana, where, as in Taranaki, it is not a silent admitted influence; what is it, I say, but the right of the strong over the weak, the old Maori right of the strong arm? Such a right is, of course, perpetually changing as to its territorial limits, and we have seen how the mana of William King (that sacred right!) now reaches to Waitaha. On

this question it is bootless to refer to the old customs of the country. Mana, as now set up, is a veto on sales. Where sale was never thought of, what could the people know of mana? But this is not worth further discussing, it cannot affect our conclusion about Wi Kingi. All right of chieftainship, veto, seignory, mana, or whatever you may choose to call it, is, in reason and equity, barred in the present case. You recollect the passage in Spain's award in which he states that the Port Nicholson natives and the Ngatiawa in Queen Charlotte's Sound had ample notice of Colonel Wakefield's purchase comprising the land now in dispute? Well. Colonel Wakefield's journal shows that E. Witi (as King was then called) accompanied Colonel Wakefield when he crossed from Waikanae to Queen Charlotte's Sound to negotiate the cession of the Ngatiawa rights. It is therefore absolutely certain that E. Witi knew of Colonel Wakefield's intended treaty with the resident Ngatiawa. More than this, he signed the deed of general cession known as the Queen Charlotte's Sound deed, what comprises all Nga motu, or the New Plymouth district. He signed for himself and his father Rereta at the very head of the list. Now though I by no means rely on this deed as a conveyance of all the proprietary rights of the Ngatiawa over the immense tract comprised in the deed,—that I admit is out of the question to do,—yet I do say and insist that King's signature and the payment he received, coupled with his knowledge of Colonel Wakefield's intention to buy Nga motu of the residents, completely stop his mouth as a chief from opposing his veto to the sale of any land within the original New Plymouth block of 60,000 acres, and crown the iniquity of his proceedings in attempting to stop the final acquisition of the district. The Queen Charlotte's Sound deed may be worth very little. But it barred King's mana (if such a thing there be) in the New Plymouth block. But at the end of this long argument, I must recall the House to the fact that, after all, we must rest upon authority. Now, first we have, of course, the distinct authority of the District Commissioner, who had been patiently and in a most conciliatory spirit—for a kinder and braver friend of the natives than Parris there is not in this Island; and with the names of our native allies in Taranaki, memory, depend upon it, will gratefully couple that of Parris—I say, after patiently working the question for months, and deferring long for the sake of peace, he is at last distinctly instructed by the Governor to pay the first instalment, if the title is indisputable. I refer you for this to the instructions conveyed to him by the Assistant Native Secretary's letter of 27th September, 1859. Therefore, he makes the payment, and makes also the cautious and well advised provision for outstanding claims, to which I have already referred you. So, then, you plainly have his authority; and whoever may sneer at it, it is no mean one. Then you have the Chief Commissioner, who deservedly outweighs everybody else. He commenced the negotiations, as you know; and you may be sure, with his intimate acquaintance with the state of the Ngatiawa tribe, he would never have advised the Governor even to entertain Te Teira's offer, if he had not had good reason to think it would turn out a sound case. Well, soon after the offer, he left Taranaki for Nelson, and thence proceeded to Queen Charlotte's Sound. There he had a korero with Ropoama, who, with all his people, joined in the sale. On 13th April, 1859, he left Ropoama's place for Wellington, and after a visit to Wanganui, left with the Governor for Napier, on 4th May. From May until the time when he was attacked by a most severe illness on the East Coast, he was engaged in the Hawke's Bay Province. We were anxiously expecting his return to Taranaki to settle the Waitara block, but the state of his health was so bad that he at last told the Governor that the conclusion of the purchase must be left to Parris, in whom he assured his Excellency that full confidence might be placed. I am thus particular on this point, because it has been stated by persons who have been very industrious in this question, that the Chief Commissioner knows nothing of the case—the fact being that, both at Queen Charlotte's Sound and at Port Nicholson, he has been engaged in carefully looking into it. I shall now read the Governer's formal inquiries and the Chief Commissioner's answers thereto. The paper will in a few hours be on the table.

"Government House, 20th July 1860.—In order to complete the documents about to be printed for both Houses of Assembly, the Governor requests the Chief Land Purchase Commissioner to answer the following questions:—First, had Tamati Raru, Rawiri Rauponga and their people such a title to the block of land recently purchased at the Waitara as justified them in selling it to the Queen?. Second, had William King any right to interfere to prevent the sale of the above block of land at the Waitara to the Queen?"

The Chief Commissioner replies as follows:—

"Auckland, 23rd July 1860.—Sir, in reply to your Excellency's memorandum of the 20th instant, I have the honour to state with reference to the first-mentioned question as to whether Tamati Raru, Rawiri, Rauponga, and their people had such a title to the block of land recently purchased at the Waitara as justified them in selling it to the Queen. I believe that the above chiefs conjointly with others at the south associated with them in the sale had an undoubted right of disposal to the land in question. With reference to the second inquiry, 'Had Wm. King any right to 'interfere to prevent the sale of the above block of land 'at the Waitara to the Queen?' The question of title has been carefully investigated. All the evidence that has come before me, including Wm. King's own testimony that the land belonged to the above parties, goes to prove that he had no right to interfere. The interference assumed by him has been obviously based upon opposition to land sales in the Taranaki province generally, as a prominent member of an anti-land selling league.

"I have, &c., Donald McLean,
"Chief Land Purchase Commissioner.
"His Excellency Colonel Gore Browne, C.B., &c."

I have touched but slightly on the old transactions affecting the block awarded to the New Zealand Company by Mr. Spain and comprising the land now in dispute. But just for the sake of showing you what a former most able Governor thought of the matter, I will read you some extracts from his despatches on the Taranaki question. In his despatch to Earl Grey, of 2nd March, 1847, after referring to Spain's award, Sir George Grey writes:—

"Since that time various individuals of the Ngatiawa tribe (which is a very numerous tribe), anxious to share in the expected payment, have been locating themselves temporarily at Taranaki, and every separate family of the tribe has been sending up some persons to look after their interests. These individuals have been quarrelling amongst themselves regarding their respective claims, and in order that there might be much to pay for, have prevented the Europeans occupying any additional land, although many hundred thousand acres of the richest soil are lying perfectly neglected and useless, whilst many European families have been left in comparative want. Indeed the inability of the natives to adjust their respective claims, now makes them unwilling to allow the land to be sold at all, and they constantly assert that those natives who wish to sell land have no right to dispose of it. Upon taking a review of the whole of these circumstances, together with our isolated and weak position in this portion of New Zealand, the only arrangement I thought could be advantageously made was, to acquaint the natives that I should order, in the first place, that the most ample reserves for their present and future wants should be marked off for the resident natives, as well as for those who were likely to return to Taranaki; but that the remaining portion of the country in that district should be resumed for the Crown, and for the use of Europeans; that, in fulfilment of the promises made by my predecessor, the value of the resumed land, in its wild and defenceless

state, should be assessed by a Commissioner, and that a Court should then be appointed to inquire into the native titles to the whole or portions of the district so resumed; and that those natives who established valid claims to any parts of it, should receive the corresponding portions of the payment to which they would become entitled. But very few of the natives seemed disposed to assent to this arrangement, but they distinctly understood that it was my intention to enforce it. I trust that it may meet with your Lordship's approval, as the best which could, under circumstances of such difficulty, be made, and as one which, whilst it ensures the interests of Her Majesty's European subjects, inflicts no injury on Her Majesty's subjects of the native race; although I fear that these latter, now that their cupidity has been so strongly excited, may, if they think they are strong enough, endeavour to resist it by force of arms."

—Again, I cite from Governor Grey's instructions to the Chief Land Purchase Commissioner, then stationed at Taranaki, the following very significant passage. After prescribing that 1*s.* 6*d.* per acre, and no more, shall be offered for the land within Spain's block, and that proper reserves shall be made, the Governor writes—

"Those natives who refuse to assent to this arrangement must distinctly understand that the Government do not admit that they are the true owners of the land they have recently thought proper to occupy."

—How much, within all this, is Governor Browne's position! Now if any party in this House shall think that a *primâ facie* case for inquiry is made out, and shall satisfy themselves that the House can usefully enter, and ought to enter upon such an inquiry, we certainly shall not oppose that view. We shall leave the question of inquiry—aye or no—to be settled without our intervention. But this we do absolutely say and insist, that no right on the part of Wiremu Kingi, or his adherents in arms against the Queen, can possibly be entertained. Kingi's title (if he had the best in the world) is merged in his rebellion. At all events it will be time to hear him when he submits to the jurisdiction. I also say that the House may make itself absolutely clear and sure upon this point, that any outstanding claims—any latent equities—must be of quite a secondary importance. And here it may be worth while first to glance at another point. It seems to be assumed by some people, that the discovery of a single unsatisfied claimant would upset the whole purchase. This, it is thought, justice imperatively requires. But is this really so? Is this, I ask, substantial justice? We did not mean, it is true, to buy unless with the consent of all. But suppose that, through their own contumacy, or say even through our neglect, some are left out, what does common sense tell us is substantial justice? I say substantial justice is partition; and if they can't agree amongst themselves, their boundaries ought to be settled for them by a higher power. That is what substantial justice demands. It is not just that the minority should condemn the majority, who wish to escape from it, to the tribal life—to the beastly communism of the pah—to the slough of barbarism from which they are striving to emerge. That is what English law would give them. Any joint owner is entitled to a partition of the common property. Even if he is one out of many, he has a right to have his portion separated, and to do what he will with his own allotment. I have said that if, by great ill luck, King had one spark of right he could not now be heard. I hear that some fanatics fancy that the war could and should be stopped at once. [No, no, from *Mr. Carleton.*] I say I hear so, and shall be glad to know that this is not the case. It is rumoured, I know, that there is a Guy Fawkes lurking in the precincts of this House with something kept strictly private—some explosive secret—which is to blow up the King and the Parliament. We shall see. But as to stopping the war, imagine, that in the midst of some capital operation in surgery—whilst the arteries are spouting—some madman rushes in and cries, Oh, you should have saved the limb! for heaven's sake hold your hand! It is well said, the trembling hand makes the bloodiest work. The fanatic opinion—the monstrous notion—that the Governor should cry *peccavi*, and sue for peace to King and his murderous crew will find no voice, no echo, in this House. Sir, I am confident in the justice of my cause; or—not to speak of the ordeal of to-day—I could not endure the prospect of what the chances of war may bring to this Colony. There be leaders in Israel of whom I would always speak with the utmost tenderness and respect, and yet I am bound to say of them that they are more prompt to thunder anathema from Ebal than to breathe blessings from Gerizim. An ugly word was launched at the Legislature of this Colony when it was said to be "interested in spoliation." But you will never justify that harsh saying. You will not take so base, so false a view of interest as to suppose it consistent with injustice. But let us be sure—let us be very sure, what justice is. Let us take no partial or microscopic view. Let us beware of mere scrupulosity, lest, while tithing the mint, anise, and cummin of technicality, we omit the weightier matters of the law—essential justice, right judgment, and true mercy. (Great applause.)

The *Colonial Secretary* seconded the motion.

Mr. Carleton said, that coming forward after that hon. member looked very like taking up a position against him; but he trusted the Government would accept his assurance that he would offer them no embarrassment so long as the country was in difficulty. There were many who had complaints against the present Government; there were few who had more than himself; but he was content to lay them aside for the time, and battle them out when a quieter time should come. It was now the duty of all to join in the endeavour to get the country out of trouble. He abandoned all small matters now, and remembered that when he entered that House he had sworn an oath. Members should think now of nothing but duty. He should keep his independent vote, judging each several question on its merits, careless of any consequences that might ensue; but pledged himself to cause no wilful embarrassment. He should be very sorry to see the present ministry out of office; no matter who got the country into trouble, they were best able to get her out of it, because they knew the ropes. No one would think of putting a fresh crew into a ship in a gale. He must confess to being startled by the unexpected point which had been raised by putting the new feature on the case. The native minister had said that the District Commissioner was himself a Court, before whom King was bound to assert a claim; he had argued that the Crown was the fountain of justice; that all courts were derived from that source; and therefore it was to be presumed, the Crown could create new courts at pleasure. The Commissioner a court! a court of such large power as to be able to compel one party to disclose his case to the adverse party in the suit; a court that was at once judge, jury, and plaintiff. The thing was monstrous. He was willing enough to allow that the Crown was the fountain of justice; he was notoriously a high prerogative man; but he was also an Englishman, and could not tolerate such doctrine. He was no lawyer—he had only such knowledge of constitutional law as every English gentleman was expected to possess; but if that were law he would begin his legal studies over again. A district commissioner (to borrow Mr. Richmond's words) to have power to declare a native claim "a bag of wind!" He (Mr. C.) knew more of the classics than of law, and remembered what happened to those who were entrusted by Æolus with the bags of wind. They let the wind out and raised a storm that wrecked them. We too were in a storm, and had yet to weather it. The hon. member went on to show that Mr. Richmond's eloquent argument was invalidated by the erroneous data from which he reasoned, contained in the Government papers laid on the table of the House. If he found a flaw in the first proposition of Euclid, he could not be expected to accept the demonstration of the last. The hon. member said, that there might be many in the House who, like himself, took a different view

of the question at first. He had agreed in opinion with the Government; for he had implicitly believed what the Governor had said, that he would buy no land the title to which was in dispute. He had taken for granted that there would be no dispute; and if so, the Government were justified in using the strong arm. But on inquiry, he found that there was fair and reasonable ground for dispute. He desired to reduce the question to that. That fact would still remain, whichever way the dispute might be settled on inquiry. From that time he had suspended his judgment; he had never gone further than that; he invited other members to do the same. What he sought was full inquiry, and that justice should be done. The hon. member admitted that it was the duty of the Government to obtain power over the natives, to use force if necessary, not for the mere selfish consideration of getting their land, but for that of being able to put a stop to the continual bloodshed among themselves, but feared that they had not chosen a good case to base their operations on. The hon. member proceeded to show what a mass of rubbish had accumulated round the question. He would do his best to sweep some of it away. There was a great deal connected with the name of William King, that could be got rid of by leaving him out of the question, and substituting Patukakariki, Taylor's own *hapu* instead. His case was just as strong, and less involved. Another great mass of rubbish, contained in printed papers, laid before them — Spain's award, transactions with the New Zealand Company, &c., might be cast aside; for whatever they might have been worth formerly, they were worthless now. The Government, by the very purchase of Taylor's land, had condoned everything that had taken place before. By the purchase they admitted Taylor's title; but Taylor was a Ngatiawa, and with his right they admitted that of the tribe. All questions of prior sales or conquest were thenceforth set aside. To borrow an ex-ministerial expression which had become famous in that house, Ngatiawa might then say,—"Here we are, as we were." He would now go on at once to the heart of the question. The real case for the Government rested on Mr. Parris' statement of what took place at the meeting, Nov. 25, 1859,—upon his question, "Does "the land belong to Taylor and party?" and King's answer—"Yes, the land is their's, but I will not let "them sell it." The hon. member proceeded to comment upon the extreme looseness of the evidence, and showed that what would be laughed out of a court of law in half an hour, was considered enough to base war upon. The original Maori words were needed. According to Maori idiom, the word "owners" might signify "part-owners," possibly, with himself. He believed, however, that King, a proud New Zealand chief, had merely given a series of sulky answers to a man with whom he had a personal quarrel, whom King accused of having cursed him, and whom King had treated as a pig-jobber? Was that a case to go to war upon? It was a good *primâ facie* case for investigation, and nothing more. The argument that King had never claimed the land was absurd. In the first place he (Mr. C.) was prepared to prove that he had claimed; but why should he claim? Suppose the Governor wanted a piece of his (Mr. Carleton's) land; would he (Mr. C.) condescend to produce his deed and show his title? No; he should say, come and take it; and if strong enough, he would turn off the surveying party by force. He would acknowledge the authority of the Supreme Court in such a case, but he would laugh at the Governor's. He (Mr. C.) had listened attentively to Mr. Richmond's statement; it had opened no new ground. The only novelty was, that the Government land purchaser was a "Court," having power to decide disputed cases in his own favour. The Government had placed the pyramid on its apex; but the broad base might fall over upon them yet. Yet he laid the blame of the war not so much on the Government as upon those who had hindered the working out of the enlightened scheme of native policy introduced by the responsible ministry in 1858. Had that been carried out, a proper court would have been established for the settling of disputed claims, and the war would have been avoided. Yet the war was hasty. For his own part, he would have made one more attempt to create a court, and then, after a fair hearing of the claims, let them enforce the decision with the strong arm. The hon. member went on to comment on the translation of the proclamation of martial law; "the law of fighting is come in now-a-"days." Of course the natives said, "all right, let us "have it out." It might be said that a question of tribal right had now become a piece of antiquarianism. Perhaps so; from the time of firing the first shot King had become a rebel. He would admit that; but still inquiry as to the original cause of quarrel was necessary. Rebellion was a hanging matter; but if it were shown that we were wrong in the first instance, that fact would make all the difference in the treatment of the prisoners. (Hear, hear.)

Mr. Forsaith.—Sir, in rising to address the House on this important subject, I desire, on my own behalf — and perhaps without assumption, I may say on behalf of other hon. members—to thank the Minister for Native Affairs for his very able and lucid statement. Most earnestly, sir, do I assure that hon. member that I give him full credit for sincerity of purpose. He has told us that were he not supported by a thorough conviction of the justice of his cause, and the propriety of the course he had advised his Excellency to pursue, he should not be able to sustain the sense of responsibility which he had incurred. Sir, no one who is acquainted with the hon. member—the clearness of his intellect, and the integrity of his heart—can for one moment doubt the truth of these assurances. And I must crave permission to add that these remarks apply with equal force to him who represents Her Majesty in this Colony. Every one who is acquainted with his Excellency the Governor, who knows the urbanity of his nature and the kindliness of his disposition, must feel that he only adopted the present course under the conscientious belief that it was his imperative duty to do so, and that the consequences which necessarily have resulted from that course, are regarded by him with feelings of pain and regret. The responsibilities to which the hon. member has referred are indeed of no ordinary kind. War, under any circumstances, is a calamity not to be lightly spoken of. It is fraught with evils of the greatest magnitude—even when waged with those whose position in the scale of civilization is one of equality. But when commenced against a people in the position of the Natives of New Zealand—a people just emerging from the habits of semi-barbarous life—possessed of many noble qualities and capabilities—it entails in its consequences a fearfully augmented sense of responsibility. A war like this—shall I call it a civil war, or, if not strictly speaking a civil war, yet a war against those who theoretically are our fellow subjects, denizens of the same country, and associated with us by many ties—is a calamity which approaches us in its most repulsive form. Sir, when I think of the consequences involved in a war like this, of the blood that has been shed, of the destruction and devastation that accompany its progress, of peaceful homes broken up, of families separated and scattered, of the hallowing and elevating influences that nestle round the domestic hearth exchanged for the demoralizing associations of a camp; when I think of these things, I do not wonder at the sense of responsibility felt by his Excellency's advisers, and can easily conceive how necessary an honest belief in the justice of their cause must be, to enable them to support it. No doubt there is a something in our nature, common to all mankind, which quickens the pulse, and causes a glow of exultation when we hear of deeds of daring, valour, and prowess on the battle field—those incidents of war which are surrounded by a halo of glory—but after all, these are but the dazzling objects in the foreground of the picture. The background is filled up with terrible images, such as those to which I have alluded, and it is upon

these that we instinctively dwell when in the exercise of unexcited reason we form our estimate of the true character of war. Now, sir, if I have not been able to arrive at the same conviction with the Minister for Native Affairs, as to the incontrovertibility of his facts, and consequently of the wisdom of the advice he has tendered to his Excellency, I am thoroughly convinced of this, that at a crisis like the present it is the duty of every loyal man to uphold the authority of the Crown. Hon. members will doubtless agree with me in saying, that on this matter there can be but one opinion. We cannot treat with men while they are arrayed in arms. The supremacy of the Queen must be maintained, and submission to Her authority enforced. But, sir, while we all agree in this, are we thereby precluded from instituting an examination into the justice and unavoidable necessity of this war? Surely not. I think, while it is our duty to do all in our power to enforce obedience to the authority of the Crown, it is equally our duty to inquire into the origin of this war—to look back, and from the experience of the past endeavour to gather lessons of instruction for the future. [*Mr. Richmond.*—I am sorry to interrupt the hon. member—but the question of the policy of the war is not now under consideration, I carefully made that distinction at the outset.] *Mr. Forsaith.*—I do not intend to enter upon this phase of the subject. I will strictly confine myself to the point at issue. The hon. member (Mr. Richmond) has asserted the justice of the war, and appealed to certain facts upon which he grounds his case. I intend to follow him in his line of argument in order to ascertain whether these facts are impregnable, and whether consequently this war was an inevitable necessity. I must however be permitted to remind the House, that the hon. member (Mr. Richmond) is in the very worst position for taking an impartial view of this case. His position—if I may continue to employ the forensic metaphor which has already been used with reference to this case, and consider it one in which the plaintiff represents W. King and his adherents, and the defendant, the Government—his position is this, the defendant pleads upon the issues, then takes the place of the foreman of the jury, and pronounces the verdict that is necessary to gain his cause! Now, let us see whether this verdict can be sustained. The hon. member (Mr. Richmond) at the outset commented upon the various questions which he expected to be raised by those whom he considered the opposition. "Why didn't Government do this; and why not do "that; why not threaten and then back out."—I am sorry, sir, that he should have formed so low an estimate of the motives of hon. members of this House as to imagine that they would avail themselves of a crisis like the present, and a subject of this importance, merely to display their skill in party tactics and political fence. It is with no such feeling that I enter upon this inquiry. The hon. member (Mr. R.) proceeded to identify W. King with the Land League, and attributed the position he assumed with regard to Waitara to the natural development of his principles as a Land Leaguer; that this purchase was but the nucleus which served to bring to a point his long-cherished principles. Sir, I do not stand here as the advocate of W. King. I will not even assert that he *has* a claim to this land at Waitara, but in my opinion, there are facts and circumstances to be elicited from the documents furnished by the Government, and on which they rest their cause—and from other sources to which I shall presently refer, which, when linked together and presented to the mind in a connected form—do furnish, if not evidence, yet a strong presumptive proof that the question of W. King's title was open to doubts on both sides. The hon. member (Mr. R.) has told us that the Land League originated at a meeting held at Manawapou, and I think he wished us to believe that W. King sent his emissaries to co-operate with that movement, and adduced the subsequent murder of Rawiri as another proof that W. King was a Land Leaguer from the first. Now where is the proof that W. King co-operated with the meeting at Manawapou? It is mere assertion. The contrary would appear to be the fact if we attach any importance to the statements contained in a pamphlet on the King movement lately published by Rev. T. Buddle. We know how closely allied this movement is with the Land League. Now what does Mr Buddle say—"During 1859 two or three deputations "visited the South, and left the Maori King's flags at "Taranaki and with Ngatiruanui. It is said that W. "King refused to receive the flag or to join the move-"ment." Afterwards—when the negotiations about this purchase at Waitara had commenced, W. King did send in his adherence—but his overtures, as will be seen by reference to the before-mentioned pamphlet, were not made until the 10th April last. Katatore was a well-known advocate of the league, and the principal opponent to the acquisition of land at Taranaki. (Cries of no, no.) I say he was, at least until shortly before his death, a great opponent to the sale of land—and it was for this reason he murdered Rawiri, whose death was afterwards avenged upon himself by Ihaia, towards whom W. King now entertains hostile feelings. There were many circumstances, wholly unconnected with the league, uniting Katatore with W. Kingi in closest friendship, and hence his animosity towards Ihaia, the avenger of Rawiri and slayer of his friend. Permit me to say a few words respecting the antecedents of W. King. Character, sir, is an important element in considering questions of this nature. I wish more particularly to do so because, in the course of his illusions to this chief and his followers, the hon. member (Mr. R.) applied to him an epithet which, I think, is undeserved; at all events, one which savoured strongly of prejudice and dislike. He said, when speaking of this man—"W. King and his mob," by which I conclude he meant us to infer that W. King was the turbulent leader of a mob. Now, sir, we all know that character is not formed in a day. A man does not all at once demean himself so as to deserve to be designated the turbulent leader of a mob. Let me glance at this man's previous history and conduct. When about twenty years of age or upwards he, with his father, Reretawhangawhanga, and other chiefs, and their respective adherents, all leading men of the Ngatiawa tribe, migrated from Waitara to the neighbourhood of Waikanae and the districts about Cook's Straits. It must be borne in mind that this was a voluntary migration. There was subsequently another, composed of men of the same tribe, the immediate occasion of which was their fear of the Waikatos. But the former exodus, in which W. King was of the number, was not directly occasioned by fear of an attack, though the constant liability of hostile visits from Waikato might have had some influence in determining the movement. W. King afterwards settled at Waikanae, and I speak from personal knowledge and observation when I say that he was always recognized as the leading man of his "hapu." When the war, or rebellion, call it which you please, afterwards broke out under Rangihaeata and Rauparaha, W. King took arms as an active partizan on the loyal side; and was recognized by Sir George Grey as an active ally of the British Government. Te Teira, who is of the same tribe, and who was also living, and I presume acting, with W. King, was never heard of, never appealed to, never recognized, as far as my knowledge extends, as a man of importance at that time. When the outbreak was crushed, and Rangihaeta, the arch-rebel, was brought to the feet of Sir George Grey, what was his testimony? I cannot give you his exact words, but this was the substance of his admission, and there are many here who can confirm my assertion.—"I am dead (mate). I am finished. "But don't suppose, O Governor, that you conquered "me. No. It was these fellows, my own relatives and "friends, W. King and others. It was by them that I "was overcome." Such, sir, were some of the antecedents of the man whom we are now to regard as the turbulent leader of a mob. I now turn to the consideration of circumstances connected with the purchase

of this land, and the question of the right of Teira to sell it without King's concurrence. And let me here observe in passing that we are furnished with another striking proof of the vicious character of the present system of land purchase. This, sir, is the dead fly, which causes the whole pot of ointment to stink. This is the fatal root from which has sprung our sorest troubles, the fibres of which have produced discord and distrust, and at last, a fatal war. We all know, sir, by experience, the irritation and annoyance produced upon our persons by certain insects when we venture in the summer season to go beyond the precincts of a town. I can compare this system with its numberless district commissioners, running through the length and breadth of the land, to nothing better than *namus* (sand flies) infesting the body politic, causing irritation and annoyance on every part of its extremities. I must for a moment digress while I call your attention to a passage from one of these documents placed in our hands. It will be found in the instructions issued by the Chief Commissioner to his subordinates—the big *namu* instructing a little one in his irritating duties. Here it is. "From the "great difficulty of obtaining land at New Plymouth "(Taranaki), and the numerous claimants that have to "be satisfied before any valid purchase is concluded, it "will no doubt be found necessary to pay a higher price "for waste lands in your district than in any other part "of New Zealand. The exact terms on which land can "be acquired it is difficult to state. I need not, how-"ever, add that it is an object of great solicitude on the "part of the general Government to have purchases "made on terms the most advantageous for the public "interests." Now, sir, is not the converse of this proposition equally true? Let us in imagination pass over to the Native side, and then candour will compel us to read thus:—It is an object of great solicitude on the part of the Native proprietors to dispose of their land on terms most advantageous to their interests. Of course it is an object of solicitude on the part of Government to buy cheap—and it is equally an object with the natives to obtain the best possible price. How can we expect these antagonistic objects of solicitude to harmonise? When we can cause oil and water to unite—when we can induce the Natives to repudiate and shake off one of the common attributes of humanity —a regard to self interests—then, and not till then, can we expect to reconcile a system involving such conflicting elements with the legitimate functions of Government on the one hand, and the cheerful confiding obedience of the governed to constituted authorities on the other. But to resume. When his Excellency the Governor visited Taranaki in March last, he distinctly laid down two propositions, and published them to the Natives as the principles by which he would be guided in the future acquisition of land. The first was that he would never consent to buy land without an undisputed title. The second, that he would not permit any one to prevent the sale of land that did not belong to himself. Ministers laid great stress upon the minor proposition; why was not equal stress laid upon the major? If this had been done, in all probability we should not have been precipitated into this war. This land was in dispute, and therefore Teira's offer might properly have been placed in the category of those which the Governor had said he would reject. Not that I am prepared to say, sir, that war could have been ultimately avoided. On the contrary, when I reflect upon the widely spread feeling of disaffection, and contemplate the Native mind surging with latent elements of strife, I fear that under any circumstances we were rapidly approaching the hour when race would be arrayed against race in a struggle for supremacy. But it is ever to be regretted that the collision should come on the question of a purchase of disputed land. [No, no, from *Mr. Richmond.*] The hon. member says no, but I must say that I entirely differ from the position he takes. If hon. members will turn with me to page 35, of the printed documents, they will find in the memorandum on the present state of Native affairs, furnished by the hon. member (*Mr. Richmond*) himself, the following passage:—"The "Waitara purchase has brought the Government front "to front with the King party before the preparations of "the latter were complete. To use the phrase employed "by themselves in answer to the deputation from "Taranaki, 'the pah is not yet built.'" Sir, the inference I draw from the Waitara purchase is directly opposite to that which is drawn by his Excellency's advisers, and facts patent to all observers confirm the view I take. The King movement and the land league were comparatively inert before the Waitara purchase. The Government in persisting in their negotiations for this purchase gave an impulse to these movements theretofore wanting, and furnished the very pretext that was sought. It is an undeniable fact, that since the commencement of the negotiations for the purchase of Waitara, the King movement and the land league have obtained more adherents than during the whole period that has elapsed since the combination first appeared. We have been told, sir, in the speech addressed to us at the opening of the session, and the sentiment has been reiterated in the address which was adopted in reply, that W. King "neither asserted "nor possessed any claim to the land." Sir, I do not pretend to affirm that King did actually possess a claim, but I do affirm that he has asserted one. The documents placed in our hands by the Government clearly establish this fact. It is, perhaps, the misfortune rather than the fault of his Excellency the present Governor, that unlike some of his predecessors, he is precluded from the exercise of his own judgment on many matters connected with the natives. He has no knowledge of their language, and hence is entirely in the hands of the officials of the Native department. Sir George Grey and others of his predecessors were not so entirely dependent upon the judgment of others, but in cases of difficulty or doubt could bring their own knowledge to bear upon the question at issue; and I have no doubt that Sir George Grey by this means was enabled to save us from many an ugly scrape. Now let us see whether King did or did not assert a claim. I must ask hon. members to refer again to the printed documents, and bear with me while I read the whole of that remarkable letter, dated 25th April 1859, addressed by W. King to the Governor. I regret that I have not the original before me, because even through the veil of a translation I can see how pregnant with emphatic meaning is every sentence it contains:—"Friend, salutations to you. Your letter "has reached me about Te Teira's and Retimana's "thoughts. I will not agree to our bed-room being "sold (I mean Waitara here), for this bed belongs "to the whole of us," (I beg hon. members to mark this expression, "belongs to the whole of us." Is not this asserting a claim?) "and do not you be in haste "to give the money. Do you hearken to my word. "If you give the money secretly, you will get no land "for it. You may insist, but I will never agree to it. "Do not suppose that this is nonsense on my part; "no, it is true, for it is an old word," (this is a remarkable phrase, and embodies an allusion which I shall presently refer to and explain), "and now I have "no new proposal to make, either as regards selling "or anything else. All I have to say to you, O "Governor, is that none of this land will be given to "you, never, never, not till I die. I have heard it "said that I am to be imprisoned because of this land. "I am very sorry because of this word. Why is it? "You should remember that the Maories and Pakehas "are living quietly upon their pieces of land," (a singularly quiet sentence to be penned by the turbulent leader of a mob), "and therefore do not disturb them. "Do not say, also, that there is no one so bad as "myself. This is another word to you, O Governor. "The land will never, never be given to you—not till "I die. Do not be anxious for men's thoughts. This "is all I have to say to you. From your loving "friend, WM. KING." Sir, there is nothing disrespectful in this letter, nothing turbulent, but every word is pregnant with emphatic meaning. I am sure that his Excellency the Governor, if he had been able

to understand the full import of the original, would not, nine months afterwards, in writing to the Duke of Newcastle, have spoken of the opposition of W. King as a rumour. I do not say that this letter proves a claim on the part of W. King, but does it not assert one? And I think it clearly proves that this land at Waitara should have been classed in the category of those disputed lands which the Governor had said he would not buy. Sir, I need scarcely remind hon. members that there are associations connected with certain localities which make an impression on the human mind never to be obliterated. Our homes, the home of our fathers, the well-remembered haunts of our boyhood and youth, scenes around which are clustered not only our own early memories, but the cherished mementoes of our ancestors—these are localities to which our attachments cling with unconquerable pertinacity. These feelings are not confined to a race; they are shared alike by the whole human family, and find a congenial home in the bosom of the savage or semi-barbarous man, exerting the same powerful influence there as in the breast of the sons and daughters of refinement and civilization. Let me apply this principle. Go with me in imagination to Waikanae. Let us enter that native hut, around which are the evident symbols of mourning and woe. In the gloomy interior, but partially penetrated by the light of day, we discover the wasted form of a dying chief stretched upon his miserable pallet. His son is bending over the prostrate body of his parent to receive his dying injunctions—to catch the import of his last desire; and amid the gurgling of the death rattle he hears his father say,—William,—William,—Waitara,—never let your home, my home, the home of our ancestors, pass into the hands of the stranger. Is there an hon. member in this house who could lightly regard the injunction of a dying father? Would he not deem it to be a sacred duty to strain every nerve, and incur every risk, rather than permit an infringement of his parent's last behest? Sir, this is not a mere picture of the imagination. That dying chief was Reretawhangawhanga, and that injunction was given to Wiremu King, his son. I do not assert that W. King has a proprietary right in that particular spot on the Waitara offered for sale by Teira—I neither assert it nor deny it, because there is no sufficient proof on either side—but from my own knowledge I do assert that Waitara is of all other districts in New Zealand, the one which presents in the most complex and multiplied form, the intricacies of individual title. I do not believe that a single block of 500 or 600 acres could be selected on the banks of the Waitara, without including the claims of at least a hundred individual Natives (cries of Oh—yes). I appeal to those long resident in the country and having a knowledge of that particular locality, whether what I affirm is not substantially true. What I have said will serve to explain the force of the allusion in W. King's letter to the Governor referring to Waitara—"it is an old word." The hon. member (Mr. R.) alluded to Guy Fawkes prowling about the House, who with some great secret was prepared to blow up the King and the Parliament House. Sir, I am sorry that the hon. member thought it necessary to make an allusion—alike undignified and injurious—the personal application of which could scarcely be misunderstood. It is but natural that a sympathy of feeling should exist between W. King and his old Missionary and Teacher. [*Mr. Richmond.*—The hon. member is giving a pointed application to my remarks which I by no means intended.] *Mr. Forsaith.*—Well, sir, I will not pursue the subject. I will now request the attention of the House to some passages from private letters of W. King, addressed to a friend. I shall read extracts from these letters—and as they are very important, and will I think clearly establish two points which I will hereafter specify, I shall not only give the meaning but the precise words in the original, so that if there should be in the House any hon. member who is a Maori scholar, he may be able to understand their full import, and detect any inaccuracy into which I may fall in translating. The first letter from which I shall quote is dated 2nd July 1859—(here the hon. member, and in subsequent instances, read in the original, which for the sake of space we omit, giving only his rendering and occasional comments). "Listen to me, these are not recent thoughts "of mine respecting Waitara—you well know that it "is this—this is Waitara, think of the words of Rere.' (This is but the literal rendering of this remarkable passage. It means more than this—it is as though the writer had said, You know all the endearing associations connected with this place—Waitara has wound itself around the very fibres of my heart). Then further on, after alluding to Mr. Parris, he goes on to say, "He (Mr. Parris) has lifted his up heel against "me. This is what he said to me—'I was the means "'of saving your life.'" I must apprise hon. members that the literal rendering of this sentence gives but a faint idea of the real import of the original words, "Naku koe i ora ai." Maori scholars will understand me when I say that this sentence to a native chief conveys a great deal more than "I was the means of "saving your life." In short, it is a most humiliating and offensive form of expression. It does not amount to a curse, but when addressed to a native chief, could hardly be regarded otherwise than as a grievous insult. Personally, I have but a very slight knowledge of Mr. Parris. From what I know of him, I should at once acquit him of any intentional offence. But if he used this form of expression—however innocently on his part—I gather from the very fact a convincing proof that he is not possessed of that intimate acquaintance with the language and the habits of thought and feeling of the natives, which ought to be regarded as essential qualifications in a person entrusted with the delicate and difficult task of investigating a title to land. If Mr. Parris did use this expression—whether innocently or not is no matter—he could not have hit upon a more certain mode of raising a formidable obstacle to his wishes, and defeating the object he had in view, the inducing W. King to accede to the sale. I proceed with my quotations:—

"Recently his (Mr. Parris) and Hare's word" (I don't know what the writer means by "Hare,"—[An hon. member, Mr. Halse] "has appeared to me, that "I am to be taken prisoner because I withhold the "land, inasmuch as the withholding of the land is, in "their estimation, the greatest of offences, and for "this reason has appeared (or is reported to me) the "opinion of all the Europeans that I am the worst of "men. I am not able up to this time to discover "wherein consists my guilt."—This is a very mild yet forcible appeal, as though he had said, I have resorted to a rigid self-examination, but up to the present moment I have failed to discover the justice of this general impression of my guilt. He goes on, "If I had taken "any land belonging to the Europeans, then my fault "would have been proved, or if I had assaulted any "European, then my accusation would have been just. "But they are bringing guilt to me."

—The original here is very forcible. It means, I am hitherto guiltless of intentional offence, but they are driving me into the position of an offender. They are forcing me to become a guilty man.

"There is another word of his (Mr. Parris). The Europeans will not regard my words. They now say, although only one man shall offer to give up the land, they will be satisfied. Now hear me, this is bad, very bad, extremely bad."

Mr. Bell.—Is the hon. member quoting from a letter addressed to himself?

Mr. Forsaith.—No.

Mr. Bell.—Will he state to whom the letter is addressed?

Mr. Forsaith.—To the missionary under whose tuition W. King was formerly living, and to whom he had always been accustomed to appeal for help and counsel.

Mr. Bell.—Who was it?

Mr. Forsaith.—The missionary stationed at Waikanae.

Mr. Bell.—Does the hon. member mean Archdeacon Hadfield?

Mr. Forsaith.—I will not fence the question; everyone knows that Mr. Hadfield was the resident missionary at Waikanae.

Mr. Bell.—Will the hon. member place these letters in the hands of the members of the House?

Mr. Forsaith.—I cannot without authority.

Mr. Carleton here interrupted and said, "I am authorized to say that the originals must be returned to the owner, but there would be no objection to furnish copies."

Mr. Forsaith.—I will now quote from another letter dated 27th February 1859:—

"Listen, the conduct of the Europeans is unchanged. I am to be imprisoned for my obstinacy in holding the land * * * This is another word of mine, do not let it grieve you. Mr. Parris is the European who strives so. Great is the obduracy of this European. His word has appeared to me (or been reported to me) that I am to be shot, and buried outside in our cultivations, not to be carried to the burial-place.

—The original is very significant; it is as though the writer had said, I am to be shot, and buried with the burial of an ass; my carcase is not to be allowed to repose in the sepulchres of my fathers. And when he speaks of the "tohe" of Mr. Parris about the land we must remember, that this word "tohe," literally, striving, entreating, when persisted in for a long time, and stereotyped as it were in practice—conveys the idea of an irritating, teazing, worrying process.

"Therefore I thought you might have influence with the Governor and Mr. McLean, to cause his (Mr. Parris') proceedings to be stopped with reference to the Waitara; his endeavours to obtain it. Listen also, the course pursued by that European is a bad course. He is leading in the path that will end in causing men to offend."

—Now, sir, as I have already stated, I know but little of Mr. Parris, but I think these extracts conclusively establish the fact that there existed a feeling towards him, which utterly precluded him from being the right man to arrive at the truth respecting W. King's claim. Here is an undoubted prejudice, whether just or unjust is immaterial to the argument, entertained by the claimant, against the person who is appointed to investigate the claim. The Government must be supposed to have known this, at all events they ought to have known it, and knowing it, they could not with safety entrust the management of this delicate affair to an officer so unhappily circumstanced. The offer by Teira to sell this land was made in March 1859, the first payment was not made until November. During this interval, eight months, we have been told by the Minister of Native Affairs that a rigid scrutiny was instituted, and conclusive proof obtained of Teira's right to sell without the concurrence of W. King. But where is the evidence of this? I cannot find a tittle of satisfactory evidence. I may be told that evidence of Native title is not to be obtained in the shape of documentary proofs; that it is only to be obtained by oral examinations and questions round a fire in a native hut. Granted that it be so to some extent, I have still a right to ask for proof that such searching oral investigation was instituted, and instituted by persons qualified for arriving at the truth. Now let me examine the only piece of evidence of the kind which has been adduced. In page 9 of the printed documents is Mr. Parris' account of his investigations:—

"On Friday, 25th ultimo, I went to Waitara, and informed Wm. King that I purposed doing so, (*i.e.*, paying the money to Teira). On Friday, 29th ulto., he came to town with a party of about thirty to oppose it. I prevailed on them to meet Teira and party, and discuss the question, which was done in a very orderly manner in the presence of a large audience of Europeans."

—Let hon. members mark this. This turbulent leader of a mob came to town, for the purpose of opposing the payment, but he discussed the question in a very orderly manner. A strange inconsistency on the part of a turbulent leader of a mob. [An hon. member: Ay, but he came armed, as will be seen by reference to another part of the documents.] I admit that in the further papers connected with this subject, it is stated that King and his followers came armed, but is it stated that they used their arms? Every one knows that Natives, even when bent on an ordinary journey, seldom move without their arms; and here we have the testimony of Mr. Parris himself that the discussion was conducted in an orderly manner. I resume Mr. Parris' report:—

"Wm. King avowed his intention to oppose the sale, without advancing any reasons for doing so, upon which I put a series of questions to him, which I called upon the Rev. Mr. Whiteley to witness. Question. Does the land belong to Teira and party? Answer, Yes, the land is theirs; but I will not let them sell it. Q. Why will you oppose their selling that which is their own? A. Because I do not wish for the land to be disturbed, and although they have floated it, I will not let it go to sea. Q. Show me the justice or correctness of your opposition? A. It is enough, Parris; their bellies are full with the sight of the money you have promised them, but don't give it them. If you do, I won't let you have the land, but will take it and cultivate it myself."

—These questions and answers may, at first sight, appear conclusive. But I cannot say that they carry complete conviction to my mind. W. Kings' answer to the first question, "Yes, the land is theirs," by no means proves, that in admitting this fact, he also admitted that he himself had no claim. I stake my reputation for some little acquaintance with the Native language and the modes of Native expression, upon the assertion that the question and answer, as here given, were perfectly compatible with the existence of a claim on the part of W. King. We know that even educated men often find it difficult to state the truth, the whole truth in an abstract form, a single proposition. The Natives never attempt to do this. Those acquainted with Native customs will, I am sure, bear me out in the assertion that in saying that the land was Teira's, King did not necessarily thereby admit that he had no claim to it. Had the question been followed by another, something to this effect: Do you mean that it belongs to Teira and his party only, or have you any claim to this land? we should probably have been in a better position for arriving at a conclusive opinion. This is the only trace I can find of a scrutiny, and this modicum of evidence is the only proof of that rigid investigation which we are told was extended over a period of eight months. I must now refer to W. King's own account of this transaction, contained in a private letter, written after the payment of the money. It is dated 5th December 1859. I quote the following extracts:—

"Friend, listen to me, this is my saying, that you may explain to me the new policy of the Governor. I heard from Mr. Parris, on the occasion of my going to town to prevent the money of the Governor being given for Waitara, 100*l.* I said to him (Mr. Parris) friend, keep your money. He answered me, I will not. I replied, there will be no land upon which your money can alight." The word in the original is very significant—"taunga." I don't recollect ever seeing it used in this sense before. It means the fluttering of a bird over the spot upon which it is about to perch. "Upon "which he (Mr. Parris) answered, this is wrong. When "the Governor comes it will be very wrong." It is difficult to say whether there is not an implied threat here; the original might perhaps without violence be rendered thus, "This is very wrong, and so you will find it when the Governor comes." "I replied, be it so. "It is for you to bring me the wrong, *i.e.* you must be "the aggressor. Enough for me, I keep the land. I "also said to him, Land that is obdurate ("pakeke") "*i.e.* disputed land, the Governor is not desirous of "having. He replied, 'that was formerly, but now the "Governor has a new method.' My belief is the Gov"ernor is seeking to quarrel, as he is putting death be"fore me. Therefore I ask you to enlighten me as you

" have perhaps heard of the Governor's new method (or " policy)" * * * "Listen, the land will not be given " up by me. If the Governor without cause attacks " me and I am killed, then there will be no help for " it, because it is an old saying—the man first, the land " afterwards," (*i.e.* first kill and then take possession.) " Therefore I make known my words to you, that you " may quietly understand my offence, and also the " offence of all the Europeans, of Mr. Parris, of " Mr. Whiteley, of the Governor. They say, this " piece of land belongs only to Teira. But it is not " so, it belongs to us all—to the orphans and the " widows this piece of land belongs."

—I think I have now satisfactorily established the two points I intended by these quotations to prove. First, that W. King has asserted a claim to this land; secondly, that it was impossible from the circumstances in which he stood, for Mr. Parris to conduct a satisfactory investigation. It has been urged that the Governor had no other alternative; that he was bound to accept Teira's offer; and this argument seems to be founded on the consequences depending upon the refusal of such an offer shadowed forth in a passage of the memorandum on Native affairs, by the hon. member (Mr. R.), which I will read. It will be found on page 33 of the printed documents. " It is obvious that in " such a state of things, the relations of the two races " thus closely intermixed must be full of peril. The " embarrassment to the Government is extreme. But " without some knowledge of the native character its " extent will not be fully apprehended. When a " native has offered to cede land to the Crown, his " pride (perhaps the strongest passion of a chief) is " committed to carry the sale into effect against all " opposition; and it may be equally dangerous to the " peace of the country to accept or refuse the offer. " If the offer be accepted the Government becomes " involved in difficulties with the opposing party; if " refused the seller will seek to revenge himself upon " his opponent, or become disaffected towards the " Government that has put a slight upon him. If his " passion does not turn in either of these directions, " he will probably persevere in his attempts to induce " the Governor to purchase—thus keeping open a " source of agitation and peril."

—Sir, the Government do not always feel bound to accept an offer from fear of consequences, as may be proved by illustration. A case strictly analogous to that of Teira occurs to my mind. Wata Kukutai, a well-known chief of Waikato, desired to accomplish certain objects, towards the accomplishment of which the possession of some ready money was indispensably necessary. To obtain funds he determined to sell a piece of land on the borders of the Lake Waikari, of which he was the undoubted principal proprietor. He came to town and made the offer. Te Karihi, a distant connexion, and a thorough Maori Kingite, heard of Kukutai's intention, and followed close upon his heels to forbid the sale. As soon as his objection was known at the office, the Commissioner closed the negotiations, telling Kukutai that, as there was a dispute, the land would not be purchased. Why could not the same course have been adopted with reference to Teira?

Mr. Richmond.—Will the hon. member state when this occurred, for I have no recollection of the circumstance.

Mr. Forsaith.—I cannot state the precise date, but it was not very long ago; I think I may safely affirm within the last twelve months. We have heard a good deal about "mana"—what it means, and how it is to be defined. Sir, it is difficult to say what it is, or to define its precise signification. But those who have been long in the country know well that cases have often occurred in which the consent of an individual native or chief was absolutely necessary to confer a valid title, and secure undisturbed possession, even though he made no claim as an actual proprietor to share in the payment. I will give an instance in point, which came under my own observation. In 1839 I was desirous of purchasing a piece of land on the Wairoa River, in the Kaipara district. This district, which is very extensive, was formerly possessed by the Ngatiwhatua tribe. In the course of time some branches of Ngapuhi got possession of the upper parts, and the Ngatiwhatuas were divided, part of them settling down in this neighbourhood, where they still abide. The majority, however, remained at Kaipara, intermixed with Ngapuhi, their former foes, with whom they lived in strictest amity and concord, until recently, through the operations of a Land Commissioner, one of the *namus*, they were brought to the very verge of a collision. After careful inquiry I ascertained that I must purchase this land of Tirarau and Paikea. Preliminaries were all settled and price arranged, when opportunely I had a visit from a friend who had been longer in the country than myself. Hearing of my intended purchase, he advised me, before parting with the payment, to question the sellers closely on this point, whether they knew of the existence of any native whose consent to the sale would be necessary to secure my quiet possession. I thanked him for the hint, and determined to follow his advice. On the appointed day the sellers arrived to conclude the bargain; the payment was ready, and they were anxious to sign the deed. I put the question. At first there was a dead silence; then, with many shrugs of the shoulder, the evasive answer "How can we tell?" I was now satisfied that I was on the right scent; and, gathering up the payment, I made a show of terminating the negotiation. It then came out that the consent of a woman living at Kaihu, a relative of Tirarau's, was necessary. I therefore postponed the conclusion of the bargain, intending to visit this woman—the wife of a respectable chief, Paore,—to ascertain her mind. On arriving at her residence I found, to my astonishment, that she knew all about the transaction. She said, "I am glad you " came to me, I shall give my consent; but if you had " bought that land without asking my permission, I " should have gone and turned you off." I asked what portion of the payment I was to reserve for her. She replied, "I do not claim any portion of the payment, " but if you please you can make me a present." The purchase was subsequently effected, and I never afterwards heard of a single objection to my title. That piece of land is now in the possession of Mr. Atkyns, and is the principal commercial station on the Wairoa. The hon. member (Mr. R.) seems to forget that in poohpoohing this mana—or whatever you like to call it—the actual right of chiefs or individuals in some cases to exercise a veto, he is arraying himself not only against a principle, which, however ill-defined and uncertain, does nevertheless obtain, but also against the policy of former Governments, which, in many instances, have recognized and acted on the admission of this principle. No wonder that W. King, who probably had heard something of this, should inquire the meaning of this "new policy;" and the hon. member may be assured of this, that if it is the avowed intention of the Government hereafter to ignore and altogether repudiate this principle, they will gradually find every chief in the Island taking alarm, and combining against the introduction of this "new policy." But I fear I have trespassed too long on the patience of the House. (Cries of "No, no; go on.") I will endeavour to compress what I have yet to say into a very brief space. I will not advert to the conduct of the war; this phase of the subject may hereafter come under consideration. But I fear we must accept the position of aggressors. Let me illustrate my meaning. By reference to the printed documents hon. members will find that up to the 25th January his Excellency the Governor appears to have acted on his own responsibility. On that date he had recourse to the advice of his Ministers. An Executive Council was held, at which a course of action was agreed to and defined. The survey was to be commenced, and if obstructed recourse was to be had to force—and amongst other preparatory official documents, a proclamation of martial law, dated same day, was forwarded to Taranaki, to be used in case of

necessity. The survey was not attempted until 20th February. Up to this time no overt act of hostility had been committed by the Natives; and even then it was principally, I believe, by old women that the surveyors were obstructed. These old women, who pulled up the pegs, were very likely merely put forward as tools by those who were behind ready to interfere if it came to blows. But if we had been great sticklers for formality in our procedure, this interference with the survey was rather a case for the Resident Magistrate's Court than for proclaiming martial law. It is not, however, upon the fact of proclaiming martial law, that I lay much stress, but upon the nature of the proclamation. Hon. members will be astounded when they hear what was proclaimed to the Natives in their own language, under the sanction of the Governor. I hold in my hand a copy of the proclamation in Maori as published in the local papers. We are generally acquainted with the English form, and therefore I need not refer to it; but listen to this. I will first give a literal rendering, and afterwards the full import of this document.

"A Proclamation: By the Governor, Col. Thomas "Gore Browne, Principal Chief, &c., &c., by the "Governor of this Colony of New Zealand is this "Proclamation. Whereas the Natives of the Queen "are just about to begin their work against the "Natives of Taranaki, who are disobedient and fighting against the Queen's authority. Therefore I, the "Governor, do proclaim and publish abroad this word. "The law of fighting is now to appear at Taranaki, "and remain in force until countermanded. Given by "my hand, and made to appear under the great seal "of the Colony, at Auckland, on this day, the twenty-"fifth of January, in the year of our Lord one thousand "eight hundred and sixty.

"(Signed) THOMAS GORE BROWNE.

"Done by the Governor. (Signed) E. W. STAFFORD.
"Writer of the Colony.

"God Save the Queen."

—(Loud laughter). Sir, this is no laughing matter. Who can tell how far this operated to encourage the interference of Ngatiruanui, who were in nowise concerned in the original dispute. The rendering I have given falls infinitely short of conveying the meaning which the Natives might reasonably attach to this document. I can scarcely express in adequate language the contempt and disgust with which old Maori chiefs would be apt to regard this announcement. It proclaims that fighting is now to be the law. It is as though the Governor had said: Now, I, the Governor, do proclaim and publish with a loud voice, that (here the hon. member assumed the attitude of a pugilist) henceforth we fight away, until I say stop. And be it remembered this permission—this proclamation of "ture whawhai" is, according to this document, to take effect from the 25th January, nearly a month before the survey was attempted. I don't know when it was published at Taranaki, but as there is nothing in the translation about the date of publication, the Natives might reasonably conclude that the permission to fight was given as early as January. I know not who translated this proclamation, nor do I care to know. I have no right to suppose that an important State paper like this was thrown into the kennel for any one to pick up and translate, and therefore I must hold the Government accountable for this outrageous announcement, which in point of fact amounts to a declaration of war on the 25th January. In passing I would seriously suggest to hon. gentlemen representing the Government, the propriety of establishing some competent tribunal before whom candidates for employment as mediums of communication between Government and the Natives should be tested as to their qualifications for discharging the important duties with which at times they may be entrusted. Sir, I have only to recapitulate what I stated at the outset, that however much we may deplore the fact of this unhappy war, it is now our duty, as loyal subjects, to uphold the authority of the Crown. We cannot extend our forbearance until submission is offered. Nevertheless, I should not have discharged my conscience if I had not declared my opinion, and shown, as I think I have satisfactorily done, that it would have been well if his Excellency's responsible advisers had not been so hasty; if greater caution and consideration had been exercised before adopting a course which they knew would inevitably involve us in war. (Prolonged applause.)

The House then adjourned at half-past five till seven o'clock.

Resumed Debate.

The *Speaker* took the chair again at seven o'clock; and after a somewhat lengthened pause, said, Will the hon. member reply?

Mr. Daldy then rose and said that, for fear of the House falling into the dilemma it did the other night, he would resume the debate. He had never had to address himself to the House with so much regret. These piecemeal statements were merely so much pabulum for debate, meaning little or nothing in themselves. With war raging in a neighbouring province; with nearly the whole of our male population under arms, uncertain how soon they might be called upon for active service; and with no Appropriation Act to sanction the large expenditure now going on, he contended that the House ought to have had a more detailed statement of Ministerial intentions and policy laid before it. (Hear, hear.) The Native Minister had given the House that morning a very able statement with respect to the war, but he ought to have spoken of what remedial measures were proposed. (Hear, hear.) It was evident we could not treat with William King and the Taranaki natives while they were under arms; but when they considered the state of this country—that within some seventy miles of where they were now assembled, the natives were almost on the verge of insurrection—and with our own population trained to arms in the expectation of having at any moment to meet some foe, it was high time for us to consider how this state of things had been brought about, and what were the remedies proposed. The Native Minister ought to have told more than he had done. (Hear, hear.) At no period had that House been so free from party spirit as it was at this time (hear, hear); but if they were fed in this piecemeal manner, he was afraid the House would grow disgusted. (Hear.) He would not take up this question of William King's title; but he trusted Ministers would tell the House what policy they were prepared to recommend to the country in so deplorable a condition. (Hear, hear.)

Mr. Gillies rose merely to prevent the debate lapsing as it had done upon the address. He had already received a considerable amount of information in the course of this debate, and would be sorry, from the debate now lapsing, that he and the House should lose the benefit of the remarks of other members more able to deal with the Native question than himself. He could not agree with the hon. member for the city (Capt. Daldy), who had just spoken, that it was a waste of time to discuss the title to this petty piece of land at Waitara. That was not the question. It was the justice of the present war, the propriety of the advice of his Excellency's advisers which had led to the war, that was the question now before the House. He was glad to hear another hon. member for the city (Mr. Forsaith) state that he concurred with what was evidently the opinion of the House, that we cannot treat with, or investigate the claims of, persons with arms in their hands; for if he had not so stated, his argument would go to show that the present war was unjust in its origin, and therefore ought to be abandoned. That hon. member's speech, if it meant anything, cast a doubt (in fact his whole speech was merely a raising of doubts), on the justice of the present war. That hon. member had objected to Ministers judging in this question, as being interested parties, as both parties—judge and jury. As one of those referred to by the hon. member as a member of the

House attached to no party—as having on the one hand no sympathies with the natives, nor on the other any interest in the acquisition of their lands—he (Mr. Gillies), though ignorant of the natives and their language, might be permitted to express a somewhat impartial opinion on this question. He could not see that the hon. member (Mr. Forsaith), had shown that William King had asserted a claim to Waitara. The utmost that had been alleged, either in the papers on the table of the House or in the letters produced, was that King had said, "the land belongs to all of us." Was this a claim upon that land such as to bring it within the category of lands to which there was a disputed claim, and which the Governor had said he would not deal with? He (Mr. Gillies), maintained that this was a mere vague assertion of right, such as any Colonist might make to the whole of New Zealand,—"the land is ours"—(hear, hear). It asserted no individual claim; and even if William King had asserted an individual claim, what then? As the Minister for Native Affairs told us, and as appears from the papers, the Government had distinctly reserved all their rights but those purchased; so that if William King or any other native could come forward and substantiate any claim on that Waitara land, he would have his claim recognized, and would receive satisfaction (hear, hear). And besides all this, he conceived that William King's claim, if he ever had any, was barred by his signature of the deed in 1839 to Colonel Wakefield, within the boundaries of which this piece of land was included. He did not see that the strictly legal way would have been to have summoned for an assault the old women who hustled the surveyors and pulled up the pegs. The conduct of these old women was directed and authorized by William King, and was not merely a personal assault on the surveyors, but an attack on the authority of the Sovereign under which these surveyors acted (hear, hear). As to the Proclamation of Martial Law referred to by the hon. member (Mr. Forsaith), he (Mr. Gillies), could not speak as to the correctness of the interpretation; but even on that hon. member's own interpretation, it was not in effect a very bad one (hear, hear). "Martial Law," which in English signifies the temporary suspension of ordinary law, was not badly rendered by the law of fighting; it meant that, as King had by force and arms resisted the Queen's authority, by arms he must be met. He had referred the matter to the arbitration of the sword, and by that arbitration he must abide (hear, hear). Whatever his (Mr. Gillies) doubts were as the justice and policy of this war, they had been removed by the speech of the Minister for Native Affairs; he considered that the war was a just one, and was not precipitated by the "inconsiderate and hasty "advice" of the Government, but was not only just but inevitable (hear, hear).

Mr. Brandon could not agree with Mr. Gillies in his interpretation of martial law. In England it was understood to signify that, if the inhabitants of any district would not submit to the jurisdiction of the ordinary courts of law, and disturbances arose, then the commander of the district proclaimed martial law —which meant, not the suspension of all civil law, but that they must be tried under the more summary conditions of a martial tribunal. But the Maories could not understand these distinctions, and they would probably give it the interpretation put upon it by a former speaker—"All law is at an end, therefore we "must fight it out." As to the purchase of this particular land; after the Governor had said he would buy no land to which there was any disputed claim, if it could be shown that there was a claim, then—whether that claim were right or wrong—a very grave responsibility rested upon the Governor and his advisers for having entered upon this war. Then, again, it seemed to him that through all these documents there ran an assumption that William King's resistance to the sale of this land was connected with the King movement—[*Native Minister*: No.]—Then what was the meaning of that paragraph of the Native Minister's Memorandum inferring that such was the case, and that the opportunity had been carefully chosen for bringing this question to an issue? [The hon. member also quoted from one of the Governor's despatches in support of his argument on this head.] This was a most unhappy ground to have taken; its effect had been to alienate many who, up to the eleventh hour, had repudiated the King movement—a movement that ought sooner to have been taken notice of by Ministers (hear, hear). We appeared to have been afraid of doing so; and the consequence of our irresolution had affected most materially the whole European population of the Southern portion of this island—for in Hawke's Bay and Wellington the majority of the relations and connexions of William King and the other insurgents resided. The hon. member then referred to Mr. McLean's instructions to the District Purchase Commissioner in Taranaki to be very careful in investigating all claims to land, both those made and that might be made by natives in other parts; and observed that the effect of the present war had been to make natives living at Otaki and elsewhere, who before were not aware, now aware they had such collateral claims. After one or two further remarks on some paragraphs he quoted not very distinctly, the hon. member observed that, so far from this war being forced upon us, he believed the present Ministry had forced us into it, and whatever might be consequences, the responsibility would rest upon their shoulders. So far from William King being an active agent of the "King party," he was almost the last man who had joined that movement. As to tribal rights, he contended that the documents before them proved that tribal rights did exist among them. English Copyhold law was here cited by the hon. member as analogous to some of the Maori rights of tenure; after which he went back to the time of Moses, citing certain texts to show that the children of Israel were straightly enjoined to keep themselves to their respective tribes, &c., as another analogy in connection with Maori customs. The English law of Aliens was also referred to in support of the Maori land-laws, and Ministers were held to be responsible for what was said in the despatches of the Governor. [The *Colonial Treasurer* assured the hon. member he was altogether wrong; Ministers did not advise the Governor what he should say in his despatches, they had nothing to do with them]. Well, it seemed to him like a kind of "irresponsible responsibility," and he still maintained that Ministers ought to have prevented the Governor (who was comparatively a stranger to the country) from rushing into this war (hear).

Mr. J. C. Richmond.—I rise with very great pain and reluctance to address the House on the present motion; from circumstances beyond my control I find myself not prepared as I ought to be, and I am altogether without skill as a debater. It is true I am very clear in my ideas on the important question, but to have clear ideas, and to express them clearly, are two different things, as many hon. members must have experienced on first addressing this House. I think however, the House expects it of the members for Taranaki, chosen in the very crisis of our trouble, to speak out, and I could not answer to my constituents for a silent vote on this occasion. It has been complained that the information supplied to the House on Native Affairs is too much, and yet too little, that we have more facts, though doled out by little and little, than we can stomach, and too little information on the intentions of Ministers for the future. What remedial measures have the honorable gentlemen for our consideration? is asked by the member for Auckland City (Mr. Daldy). Sir, I do not consider the complaints well grounded. It was a pleasant surprise to me to find on the opening of this House that so many facts were at once laid before it. Facts it seems to me were the first things needed, and though I was already acquainted with many of the facts and documents on native affairs which have been submitted to us, I do not complain of this redundancy, and I am glad to have them by me in black on white. Neither am I so much at a loss for the intentions of the gen-

tlemen who are his Excellency's advisers. The acts, memorandums, and minutes of 1858, I understand them to adhere to, and no doubt on these they are prepared to act. In common with the honorable gentleman (Mr. Daldy), I confess that before coming up here I had nursed a vague hope, that some new measure might be contemplated suited to the present emergency; my hope was a vague one, and I think not altogether reasonable. No legislative nostrum, no "direct Purchase" pills will I believe help our case. The Ministerial policy of 1858 is practical and comprehensive. It has been thwarted in other quarters, and the Ministry cannot fairly be called on to come down with their second best card, if indeed they have any second best to play. Sir, the remedial measure, the one which must precede all others, and on which all legislation must depend for its success, is vigorous prosecution of the war. Authority is the basis of law. The authority of the British Government must be established throughout the length and breadth of the land. To aid in this is the first duty of this House. It is for this reason that I regret that the address was passed in the way it was, and that its passing was followed by the desultory discussion of last Wednesday. After the unfortunate passing of it, it would have been well for this House to make a virtue of necessity, and defer for the time all criticism and cavil. With respect to my own position on that occasion I wish to state, that though greatly surprised at this event, I was in no shape implicated in the blunder. I was in my seat, as every member by the theory of this House is supposed to be, during all the hours it is sitting. I neither found the document a nullity, nor did it seem to me a bitter pill. I looked on it as a broad expression of opinion on the part of this House that whatever might follow, and whatever might have caused it, every support must be given to his Excellency and his advisers in the prosecution of the present war. My mind was clear to vote in favour of it, and nothing that I have heard since has at all modified my opinion. And to come to the subject that is now engaging the attention of the House. I cordially agree in the expression of the hon. member for the City of Auckland (Mr. Daldy) that the present discussion is out of time and out of place. Sir, I trust that the House will not assent to the motion for which notice is given by the member for the Bay. If anything is evident to me from this discussion so far as it has gone, it is this,—that this House, or a committee of this House, is no proper tribunal for inquiring into a Maori title. Let the House consider for instance the sort of evidence that will have to be received—the domestic difference of the wives of some ancestor removed twenty generations back—genealogies of the various *hapu* in which (I have seen it so,) one branch of a common stock happily gifted with the longevity of Methuselah, plunges down through two or three generations to the present date, while another branch has buried twenty or thirty generations in the same period; legends of the most miraculous kind which will require long filtration through the mythic hypothesis before any sense or any bearing on the inquiry can be found. And this, sir, will have to be done through the medium of some interpreter who after all will be the authority on whom the House *must* rely. Sir, I think that notwithstanding the efforts of the hon. member for the City of Auckland (Mr. Forsaith) who made the best of the case for W. King, the position of his Excellency and his advisers remains quite good. The letters of Wi King to Archdeacon Hadfield (which as I understand have never been communicated as they ought to have been to his Excellency,) do not seem to me to point to a claim at all more definite than the printed letter where it is said "Waitara is our bedroom." The hon. member for Dunedin (Mr. Gillies) has clearly pointed out to the House that the letter last named makes no claim that any person in this House or in this Colony might not, with perfect truth, make to the whole of these islands. In speaking of these letters which the member for the City (Mr. Forsaith) has produced, I must pause to ask the House not to lay too great stress on the charge which he has founded on them against Mr. Parris, the Land Purchase Commissioner, of having grossly insulted W. Ringi, and of incapacity for his office. (Mr. F. interrupted here to say I made no charge against Mr. Parris, I stated that *if* the words attributed to Mr. P. were his words he had shown utter incapacity for the delicate negotiation he was employed on.) *Mr. J. C. Richmond.*—Sir, I believe the charge *was* hedged with an *if*; but though the hon. member did not make it, the charge is nevertheless before the House, and though I am not going to put myself in competition with the hon. member as an authority on these matters, I venture to say that on his own showing it is not necessary to assume the falsity of the letters or the incapacity of my friend Mr. Parris. I beg the House, in the absence of that gentleman, to accept the charge *cum grano*. I gather from the very free translations with which the hon. member has favored the House ("No, no," from Mr. Forsaith); the hon. member says "No, no," but I say *very free and poetical translations*, that the Maori language is at least as good a soil for misconception as our own mother tongue; and, Sir, in my short experience in this House I have observed honourable gentlemen misconceiving each other's meaning pretty frequently. Sir, it is very possible the misconception is on Wi Kingi's side. Moreover, the more serious imputation that Mr. Parris was wilfully insulting in the words "naku koe i ora ai," attributed to him by Wi Kingi, is entirely removed by the fact that not any long time before the date of the letter making the charge in question, and during the war with Ihaia, William King, with a party of followers, was actually and literally saved from destruction in an ambush prepared by Ihaia, by the friendly warning of Mr. Parris, who is described as desiring his death. Whether the Maori language does or does not afford means of stating this without insult, let the learned in that language say. Another complaint I will here advert to, which, I believe, affects Mr. Parris. The hon. member for the City (Mr. Forsaith) has told the House that the translation of martial law in the Proclamation by the Governor, by the words "ture wha whae," conveyed a challenge to the Natives. I am no judge of the translation, but I confidently say, notwithstanding the authoritative statement of the hon. member, it is absurd to imagine the natives would take the Proclamation in any sense but that in which it was meant, viz., that the survey having been resisted, armed force would be necessary to occupy Teira's land. But if an authority versed in the language be needed, I may cite the written statement of the Rev. Mr. Whiteley, whose long experience makes him as good an authority as the hon. member, to the effect, that *in fact* the Natives *did not* understand the words as the hon. member says they must have done. Much has been said to throw discredit on the investigations which preceded the sale. The hon. member for the Bay of Islands is distressed that the case was not brought into a Court—into the Supreme Court. He is astonished at the statement of the Hon. the Colonial Treasurer, that the Land Commissioner holds a court. I am no lawyer, and do not know the proper definition of a Court; but it appears to me that substantially there can be no doubt of the fact. The Commissioner receives evidence and pronounces judgment on title, and his judgments are authoritative and the grounds of action by the Governor. As to the Supreme Court, the hon. member can only be jesting in proposing it; the House needs no argument to show the impossibility of the notion, if, indeed that Court could by its Constitution take cognisance of a title not derived from the Crown, which it cannot do. And, whether the Land Commissioner is or is not a Court, he is the only organ of communication with the Governor on questions relating to purchases from the Natives. It is said to be unreasonable to ask him to expose his case; but either I am more ignorant of the practice in such matters than I thought I was, or it is true that a party in any Court who should neither plead nor demur to the jurisdiction would

suffer judgment by default. This is the case in question. Whatever rights W. Kingi may have had, he has refused to submit to the investigation of the only authority provided for his case; he has thus denied the supremacy of the Crown, he has committed his claim to the arbitrament of the sword, and must abide by the decision of the sword. In the meantime every guarantee of his rights has lapsed utterly, and I trust irrecoverably by his rebellion. I am not here to defend the arrangements of the Native Department which appear in many ways faulty; but I do say that the present simple arrangements for investigating Native claims in personal conversations is much better suited to the business than the formal and complicated processes of the Supreme Court; and that this House is utterly unsuited for the purpose. The discussion at the present moment I look on as not merely useless—it is mischievous. This House does not sit with closed doors, and the present discussion will not fail to find its way quickly to every corner of the Island. It will be misrepresented as showing that there is division among us as to the question of carrying on the war, and it is easier to misrepresent than to correct a false impression. I will not detain you, sir, much longer, but before I sit down I wish to remark on the attitude of some members who call themselves independent. I claim to be as independent as they, and in the exercise of my independence I give my cordial support to his Excellency's present advisers. The day will come, perhaps has now come, when this House and this country will thank his Excellency the Governor and his advisers for their course in this matter of the Waitara. Sir, it is a great thing to have the courage to admit, and his Excellency makes no secret of it, that as regards the Maori questions the Government is weakly. No Governor before has had this frankness. They have dallied with the difficulty; coaxing this Chief, petting that, and bribing a third—but always assuming an air of power. The frankness of his Excellency is the herald of a new order of things, and the country owes him its thanks. When I came out here it was in the hope, sir, to see a nation founded in the image of the great and glorious nation from which we sprang—to which we belong—for I will not allow any man—even though he may wear a mitre—to filch from me my birthright, my share and interest in the honour of that nation. I see with deep pain, scattered up and down the papers which have been laid on this table, the assumption on the part of men in high station, that to the New Zealand colonist, the honour of Great Britain is nothing, that spoliation and faithlessness are to be expected from him. I am only a colonist, but I do not yield to Secretary of State, Governor, or Bishop for the honor of Great Britain. If the day should come when the Maori is trampled on by the Government of these islands, New Zealand will be no longer a home for me. Sir, the country may be proud that this House has almost in the flush of its new powers, entrusted the administration to men at once conservative and liberal. I thank those gentlemen for their efforts to realize the hopes with which I came here. I do not say I give my confidence to every member of that administration—"confidence," as a very great statesman has well said, "is a plant of slow "growth," and my acquaintance with some of them is but recent; but I know that they will not ask of me any dishonourable concession, and I am not afraid that any true word I may speak in this house will fail of its fair influence with them. I have no sympathy with political wet-blanketism, and I offer them my cordial support.

Mr. Sewell made a few remarks, urging on the Government to make an early disclosure of their policy upon Native affairs.

Mr. Weld had not expected to have spoken that night, consequently he had neither notes nor heading, but he felt that it was not a long and argumentative speech that the House wanted, it was to hear the expression of opinion of an old colonist, one of themselves, to learn his general views, and why he stood there as one of the Ministry (hear); that he would openly and frankly. He had joined them because he had long agreed in their views, because they were the only possible strong-formed and united Government. (Hear, hear.) This was no time for diplomatic phrases, the country expected speaking out, and they should hear it. The hon. member went on to point out the different lines taken by various members and characterised the declaration of the member for the Bay, that during the time of war, all should unite in a cordial support of Government, and sink minor differences or personal questions for the time, as a declaration worthy of an English gentleman; he trusted his hon. friend would strictly adhere to it, and that, when the war was over, he might have a fair field and no favour, to fight out any differences he might have with the Ministry. That hon. member had said the chief of Teira's *hapu* was in Wi King's camp,—but the chief of that *hapu* was Ropoama of Queen Charlotte's Sound, and his assent has been obtained by Mr. McLean. He had objected, also, to the machinery for deciding on the native title that there ought to be a court to decide. There was an element of truth in what he said, but present Ministers were not answerable for the machinery they found, it was the only machinery that exists. The hon. member for Wellington country districts, the only one who has yet come forward on the part of what we are told is not an opposition (but who now wish us to play their cards, the interesting game of double-dummy), echoed this view. Why did not Ministers take Wi King into the Supreme Court? Would he have gone into the Supreme Court? (Hear and laughter.) Has the Supreme Court jurisdiction even if he would have gone? (Hear, hear.) His hon. friend was the only man in the country who did not know that this was mere talk—talk, whilst the country wanted realities. He would not follow the hon. member back to the days of Moses. The marriage restriction Act, to which it appeared some of the daughters of Israel were subject, had neither enlightened him nor the House as to Kingi's title. (Laughter.) The hon. member went on to argue that the feudal usages relied upon by his hon. friend did not apply to New Zealanders. The New Zealanders could not systematise. He next referred to Mr. Busby's report, and other old descriptions of the state of the New Zealand titles. He asked with regard to the *mana*, if the idea of chieftainship was ever disconnected with the individual, what were its rights, what were its duties—were they ever defined? He asked whether any instance of its transmission by sale, by investiture, or by a formal acknowledgment, was on record. He maintained that at the root of all native customs, to those who dug deep enough, would be found the power of the strong hand. He explained his view of the *mana*—it was founded on the recognition of power. No moral sense of wrong was attached to the exercise of the power of conquest,—in fact all in former times reverted to the idea of power, physical and moral. The question now was not whether a right of chieftainship over possession ever existed, but did it exist in this case; we have found it denied, by Wiremu Kingi's own tribe. The hon. member for the City of Auckland had put forward his claim to be taken as an authority. Doubtless this question must, to a great extent, be taken as a question of authority, but the House and the country would prefer the authority of Mr. McLean, Mr. Parris, and the Rev. Mr. Whiteley, to that of the hon. member, who though, no doubt, an efficient and estimable officer of the former Protectorate department, and a passable Maori scholar, could not be put in comparison with others far more capable of giving an opinion. (Hear, hear.) The hon. member went on to comment on the patronizing and authoritative tone of the hon. member for the City, and said that he himself had been, years ago, a pioneer of a native district, the Wairarapa, and had gained a great ascendancy over the natives of that district. (Hear, hear.) That though he was no native linguist, not having taken to that line (laughter), he had carefully studied their land

tenures and their customs of chieftainship. He knew that the rule for managing the Natives resolved itself into a simple axiom ; he would give it them. At all risks be just, at all risks be firm. (Hear, hear). Justice required wisdom, firmness required external support ; he would adhere to this rule as closely as possible, but much depended on the support of the Home authorities, much depended on the support afforded by this House. (Hear). His hon. friend and old colleague, the member for Christchurch, had talked about the unsatisfactory nature of the arrangement of 1856, but who made it ? The hon. member himself. Had he been in the House then he should have objected to it, but this was not the time for a Ministry to choose for fighting and embarrassing the Governor on it—especially when by a happy accident they and his Excellency were on this war question perfectly in accord—the Ministry were acting under an arrangement made by this House (hear) and were still in the hands of this House though the Home Government could not be ignored, which had disallowed the Native Territorial Bill of 1856 which the hon. member for the Bay had told them might have obviated this war. And now he would come to the letters read by the hon. member for the City. He would not comment on the unfairness of only reading parts of them ; the hon. member for Wallace had them in his hands, and would deal with them. If the hon. member for the City has had those letters in his possession and kept them back until the present time.

Mr. Forsaith.— I have only had them for a few hours.

Mr. Richmond.—Have you read them all to the House or only extracts.

Mr. Forsaith.—I have not thought it necessary to read them in their entirety.

Mr. Weld.— I accept the explanation of the hon. gentleman, and have no doubt that he has had these letters in his possession only a few hours ; had he known of them before, no doubt he would have felt it his duty to lay them before the Government, (hear, hear,) but, Sir, the responsibility now rests upon the Venerable Archdeacon to whom those letters were addressed. I do not think those letters tell in favour of Wiremu Kingi, but as it seems probable from their being now put forward, it has appeared to the Rev. Gentlemen they do militate in favour of Wiremu Kingi ; then, Sir, I say that if by not laying them before his Excellency, and thus carrying out Kingi's own implied request—that Rev. Gentlemen did not endeavour to prevent this war, then on his head will rest the guilt of blood ; and, Sir, I must tell the House that I myself have seen, and have authority to inform this House, that whilst these two first letters of Wiremu Kingi were dated in July, the Venerable Archdeacon Hadfield, in a letter dated in September told his Excellency the Governor that he would not fail to keep him informed of the state of the Native mind in his part of the country, and he could not fail to know it—that whilst stating this, he never revealed to his Excellency or to the Government one syllable of the contents of these letters. (Sensation) Sir, all who know me know that I am incapable of seeking a party triumph at the expense of another's character. (Hear, hear.) We should all wish to respect Mr Hadfield, and I sincerely trust he may be able to offer some satisfactory explanation. But, Sir, this House will expect, and the country will expect, that this matter be sifted to the bottom. The Ministry, Sir, are determined that this matter shall be sifted to the bottom. (Hear, hear.) Charges, Sir, brought against Mr. Parris. (Mr. Forsaith had brought no charge against Mr. Parris) He had read letters that did—if these accusations of Wiremu Kingi against Mr. Parris were not charges, he (Mr. W.) did not know what charges meant. How unfair, how ungenerous, to have brought such charges forward without having given Mr. Parris or Mr. Halse an opportunity of rebutting them. (Hear, hear.) He did not believe one word of the allegations made by Wiremu Kingi ; he knew angry natives too well for that—but had they been true Mr. Parris ought to have been dismissed next morning. How unjust then to bring them forward in this way, but the Government would never allow men to be condemned on an exparte statement ; he did not know Mr. Parris personally, but he had heard him most highly spoken of ; at all events he should be heard, and the Government would not let the matter drop, they would sift the whole thing to the bottom, (Cheers) The hon. member then met the argument in favour of Wiremu Kingi's former loyalty by a reference to facts, to his defiance of Governor Grey, &c. He went on to say that for years he had given his attention to native matters, that the true course to have taken in New Zealand would have been at first by means of an overwhelming force to have shown the power of the Crown side by side with its justice and its mercy. He denied indignantly the calumnious imputations against the colonists as a body ; he expressed his opinion that if the noblest race of savages that we know finally disappears, it will have been ruined by its friends, not by its enemies. It was the so called friends of the Natives that had opposed measures which would have strengthened the hands of the Government, and would have enabled them to civilize and elevate the Natives ; for his own part he was as anxious for the good of the Natives as was any professed philanthropist, and this House (that fitly represented as fine a body of English gentlemen as ever left the shores of England as colonists), this House was not to be told that they were seeking to seize the natives' lands ; it was false, and every one knew it to be false. It was remarkable that all the pity of certain persons should be for the powerful Wiremu Kingi, none for Teira. They heard much of Kingi's rights, shall they hear nothing of Teira's ? Is all the duty of the Government to protect the strong ; is all their sympathy as Englishman to be for the strong, are the weak to have neither protection nor sympathy? Before sitting down the hon. member expressed a warm and earnest hope that during the war personal animosities and provincial squabbles would be merged in higher feelings of duty to the country ; that they would stand shoulder to shoulder, and if occasion unfortunately arose, all should emulate, for no man could surpass, the conduct of the gallant settlers of Taranaki.

Mr. Moorhouse said he had felt the greatest pleasure in listening to the speech of the hon. member who had just addressed the House. That speech had a tendency to confirm the very high respect he (Mr. M.) had always had for Mr. Weld. But still he must say that in common with his colleagues, the hon. gentleman had carefully guarded himself against giving any of the information that had been repeatedly asked of Ministers (hear). The house had before it a very large volume of evidence of facts, for which he (Mr. M.) was much obliged ; but the house would consider that these facts did not very perfectly foreshadow the future with respect to the Native question, they merely disclosed the imperfections of a past system. They did not assist us in the inquiry as to what course the Ministry had in store for the future (hear.) The time had arrived when the Maories should have an entirely new constitution, (hear, hear,) which should be adapted to the suppression of evils that were clearly traceable to the old state of things. This necessity was so apparent to the Maories themselves, that they were at this moment industriously framing an independent constitution for themselves, probably innocent to a great extent of the very serious offence which in our eyes they are guilty of in so helping themselves (hear). The house had a right to the opinion of Ministers (hear). He had a right to know the executive mind of Ministers who were responsible to him (hear). He remarked that the hon. member for the Wairau had again expressed to the House the opinion that it was not the duty of Ministers to make a case for the Opposition, as well as to sustain the onerous duties of an Executive. No one required anything of the sort. All that was wanted was a simple disclosure of their idea of what was the best system for the further administration of Native affairs. He himself had an idea of what would be a good

system of government for the Maories; but seeing that he gave credit to Ministers for high legislative capacity and perfect sincerity, he would refrain from anticipating what must be to a certain extent a very similar scheme to his own, which was based upon the most perfect justice (hear). Mr. Weld's speech certainly breathed the most perfect love and goodwill towards all men, and the Maories in particular; but that hon. gentleman had quite omitted to state the method in which so much good was to be secured. He (Mr. M.) wished to state that he intended to support the Ministers in their war policy. They had promised a prompt and vigorous prosecution of the war; they had in plain language promised to conquer—yes, to conquer the country—a very proper course, serious as the proposal might seem; it was necessary, it was imperatively the policy of the emergency (hear, hear). But, he repeated, he must know what were the plans of Ministers for the future. Mr. Weld's speech was full of kindly sentiments, but denoted no intended action for the future which would secure a happy tranquillity to the country. He (Mr. M.) had not intended to speak on this question, but the determined silence of Ministers as to the future had opened his mouth.

Mr. Fitzherbert complimented Mr. Weld on the poetical and virgin simplicity that had characterized his speech, which he (Mr. F.) nevertheless liked the best of all the Ministerial speeches he had heard. As a southern member he could bear testimony to that hon. member's dealings with the natives. What did he tell us was the basis of the policy he would propose? "Be just to the natives, yet be firm." Be just—that lay at the root of all the evil we had to contend against. The hon. member said we ought to be just to Teira. Now that was the question,—was Teira's title a just one? That remained to be proved. Then as to our present position, we were in a critical position, and we cared less about the appearance than the practical skill of those who were to get us out of our difficulties. In this matter the House had been greatly misled, more than, and by no one more than by his venerable colleague the member for the Bay of Islands (Mr. Carlton)—(laughter)—[The hon. member then proceeded, *suo more*, to entertain the House with one of his cleverly discursive debating interludes, amusing himself and the House at the expense of friend and foe, and giving life to the discussion just when it had begun to flag.]—He afterwards urged that the Committee of inquiry asked for by the member for the Bay should be granted; and while he called for the war being put down with a strong arm, he urged upon the House to remember the just claims of the natives. Let them strengthen the hands of the Governor, to enable him to put the war down; but let them also search out the causes, and if wrong had been done, let them repair that wrong. It might be said this was inconsistent; he replied, No, let us carry on the war and the inquiry concurrently; let us carry on the contest with that fair feeling for which Englishmen are proverbial all the world over; and while we are hurling the bolts of war at these men, just emerging from barbarism, let us bear in mind that we apply to them all those rigid rules of warfare which obtain among civilized races. Wherever the responsibility rested, it was a grave one; much blood had been shed, and it might yet come to an internecine war. We ought to show these misguided men that with us among ourselves, whatever our supposed wrongs, we submit to the strong arm of the law—we do not resort to blows; and we ought to urge the natives to do the same—and we ought to be able to say, There is the final appeal from which full justice may be expected. The whole matter must be closely examined into for the salvation of our country. [Here the hon. member referred to the Wairau massacre, and to the forbearance shown by the settlers after that event; to that forbearance, and to the many sterling qualities of the colonists generally, the mother-country owed the preservation of this Colony (hear).] The Colony was now involved in war, yet the Ministry are ensconced in their chairs, and vouchsafe the House no information. Well, those who devised the machine, must work it; every forbearance had been shown to the Ministry—it must not be abused; and it was clear that the sugar and blanket and Protectorate system had alike passed away together. It was clear that the House had nearly come to this conclusion, that it must take the matter into its own hands irrespective of Ministers or Native Department. The hon. member concluded by again urging a full exposition of Native policy—not in piecemeal, an eye here, a nose there, a mouth here, a lock of auburn tresses there, but the "sweet engaging look "of Kitty altogether." [The hon. member charged the Native Minister with shedding "crocodile tears."]

Mr. Dillon Bell said: Sir, it has often been my fortune to follow, in the debates in this House and elsewhere, the honourable gentleman who has just addressed you, and I am sensible of the disadvantage I labour under in speaking after him. But I have failed to perceive in the remarks which he has offered to the House with his usual eloquence, that he has touched that part of the native question to which our consideration was specially invited by the Minister for Native Affairs. I confess, for my own part, that I disapprove of the manner in which that honourable gentleman (Mr. Richmond) has proposed to subdivide that question. I altogether doubt the wisdom of considering it in five portions, and at different times, as he recommended. The several branches of the subject are so intimately related one to the other, that it is not possible to separate them, if we mean to give an impartial judgment on the whole; and in order to obtain a true insight into each, we ought to have had them all brought under review at the same time. I said the other day, that the House could not fairly be called upon to pronounce its opinion on the war without knowing what remedial measures were to be proposed for settling the relations between the two races on a satisfactory footing, when the insurrection should have been put down and peace restored; and I adhere to that view still. But since the House has consented to debate the Waitara question separately, I should not feel I was doing my duty in withholding on this occasion what I think on that part of the general subject, especially as I have myself been so much mixed up at a former time with the Taranaki land question. Before entering, however, on the consideration of the several points to which I desire to invite your attention, I wish to allude to what I presume I must call the case of Wiremu Kingi, brought forward by the honourable gentleman the member for the city (Mr. Forsaith). When the honourable gentleman was reading the extracts he did from three letters addressed by that chief to Archdeacon Hadfield, I confess I was greatly struck by the manner in which they were introduced, and the evident reluctance which existed somewhere to the whole contents of those letters being laid before the House. I will, however, do the hon. gentleman the justice to say, that he yielded to the strong desire which was expressed, that not only the letters, but the name of the person to whom they were addressed, should be placed at our disposal; and I was very glad to hear him say, in answer to a question that was put to him, that he had only had them in his possession for a few hours. For though the hon. member has relieved himself from the heavy responsibility of withholding those letters for so long a period from the cognizance of the Government, it rests somewhere, as I shall presently show. A responsibility, however, of another kind rested on him.

Mr. Forsaith begged to observe that he had not risen as the advocacte of Wiremu Kingi, and had not presented a "case" on his behalf; he had merely wished to show that there were sufficient grounds for grave doubt whether the land bought by the Governor was not included in the category of lands to which the title was in dispute, and which the Governor had declared he would not buy.

Mr. Dillon Bell resumed: That was certainly not the impression conveyed to my mind by the speech

of the hon. gentleman. But for whatever purpose he intended to introduce those letters, surely there cannot be a doubt that it was his clear duty to have read the whole of them, and not to have kept back anything of importance. The hon. member is too good a Maori scholar not to know well what was of that character, and he could not be ignorant that more was contained in the letters than what he thought fit to disclose. Sir, there are two most important passages in those letters to which the hon. gentlemen did not allude, to which I will now invite the attention of the House. In the letter of 2nd July 1850, Wiremu Kingi speaks, as the hon. gentleman told you, in strong terms of the District Commissioner's "teasing and irritating" persistance about the purchase of this land, and says "this is extremely wrong." But the hon. gentleman stopped there. Why did he not give the next sentence? The words which follow are (I will give them in Maori), "Ki taku, ka rite ano te rohe mo "nga pakeha ko Waitaha." Now the significance of these words could not have escaped the hon. gentleman, because in the course of this debate the Minister for Native Affairs had said that Wiremu Kingi's constant declaration was that the European boundary should be the Bell Block. What he says in the letter is this: "If but one man offers land the pakehas will "accept it, which is extremely wrong. According to me the boundary for the white man should be Waitaha" (Bell Block).

Mr. Forsaith.—I do not agree with the hon. gentleman's interpretation. I think the words should be translated, "boundary for the white man has been settled at Waitaha."

Mr. Dillon Bell.—I will not oppose myself to the hon. gentleman as an interpreter, though I still think I am right. But whether his translation or mine be taken, the effect is the same. "According to me," says Wiremu Kingi, "the boundary is at Waitaha." Now in this, that chief has been consistent for years, he has constantly maintained that no more land should be sold beyond the Bell Block; this was laid great stress upon by the Minister for Native Affairs and the letter strongly confirms his statement. But there is a passage of even greater importance than this. In the second letter, dated 27th July 1859, Wiremu Kingi, after acknowledging a letter from Archdeacon Hadfield containing what he terms a "kupu marama;" (clear or enlightening words), and speaking of his determination to hold Waitara, says, "Na Rere taua "kupu, naku hoki, na korua hoki taua kupu;" which is, "This word (to hold Waitara) was Rere's (his "father's), mine also, and also yours (Archdeacon "Hadfield's and Mr. Williams)." Now, sir, I earnestly trust that a satisfactory explanation will be given of this, because if we are to take the statement as true, and it should turn out that Archdeacon Hadfield and Mr. Williams gave advice of this kind to Wiremu Kingi, I should regard it as a great misfortune.

Mr. Dalby.—The advice was given in 1839.

Mr. Dillon Bell.—I cannot understand how that can be, because Wiremu Kingi speaks of the "word" being Rere's, his own, and Archdeacon Hadfield's, and Rere was alive long after 1839. It could not be that which was in his mind. But whether it is so or not, I am sure the hon. gentleman, the member for the city (Mr. Forsaith), must now feel that he ought to have read the whole of the letters. And he should not have allowed himself to bring so serious a charge as he has done against Mr. Parris, of wilfully using the insulting words.

Mr. Forsaith.—I brought no charge myself. I read what Wiremu Kingi accused Mr. Parris of having said.

Mr. Dillon Bell.—It is perfectly clear that Wiremu Kingi intended to accuse Mr. Parris of having willfully insulted him; and no doubt the words "naku koe "i ora ai" were such as a chief would consider a deep affront. But much depended upon how they were used, and the hon. gentleman should have enquired into this before endorsing the charge that they had been wilfully applied as an insult to the chief. But, sir, I said that if the hon. gentleman was not responsible for withholding these letters so long, a heavy responsibility lay somewhere. If ever it was intended that they should be used publicly, if ever it was believed that they contained an assertion of a proprietary claim to the land sold by Teira, what excuse can be offered for their having been kept secret so long? I presume it was to them the hon. gentleman, the member for the Bay alluded when he said that there were persons who were prepared to prove that Wiremu Kingi had asserted a proprietary right.

Mr. Carleton.—The hon. gentleman is mistaken; I said I could myself prove that such a claim had been asserted.

Mr. Dillon Bell.—I am sorry to have mistaken the hon. member, but I took his words down at the time, and what particularly struck me was, that it was not stated the claim had been asserted to the Government. I say that these letters ought immediately to have been communicated to the Governor. Wiremu Kingi expressly asks that Archdeacon Hadfield should communicate on his part with the Governor and Mr. McLean: "Kia kaha atu tou kupu ki a Te Kawana raua "ko te Makarini"—let your words, he says, be strong to the Governor and Mr. McLean. I would ask the hon. gentleman who has produced these letters, whether if they had been addressed to him in July 1859, he would not have felt it his imperative duty immediately to lay them before the Governor? (*Mr. Forsaith:* Certainly, I should.) Certainly, the hon. gentleman says. Sir, I cannot conceive what motive there could have been for keeping them back. I cannot conceive how any man, having the interests of the country at heart, or desiring to serve the Maori race, could withhold these letters from the knowledge of the Governor; how a minister of the gospel, the friend and adviser of this chief, when war was raging, even while blood was being shed (loud cheers), could have preferred keeping them secret, only to find a paltry triumph in making them known in this House when it was too late (loud cheers). I speak these words with the greatest pain. I have for so many years been accustomed to regard Archdeacon Hadfield with sincere admiration and respect, that I am deeply grieved at this disclosure, and shall anxiously look for whatever explanation of it can be given. I now revert to the more immediate subject of discussion, and beg the indulgence of the House while I give a sketch of the principal events of the Taranaki land question. The district to which we give the general name of Taranaki, was the ancient possession of one of the three great branches of the Ngatiawa tribe. Nearly 40 years ago, the Ngatitoa who occupied the distant* about Kawhia, were compelled to leave it by the incessant hostility of the Waikatos; they left Kawhia under the leadership of Te Rauparaha, and overran the whole country on each side of Cook's Strait, driving out or exterminating the original inhabitants. A large number of the Ngatiawa of Taranaki joined or followed Rauparaha, and assisted in this invasion; and the Ngatiraukaw, who occupied Maungatautari in the Waikato country, also afterwards migrated in a large body for the purpose of joining Rauparaha. Portions of the three tribes finally settled at Waikanae, Otaki, and Port Nicholson, while others remained in Queen Charlotte's Sound, and other places in the north of the Middle Island. About 1834, the Ngatiawas of Taranaki, having been much diminished by this migration, were attacked by the Waikatos, and finally overthrown in a great battle fought at Pukerangiora on the Waitara river, where it is said that 2,000 men lost their lives, and when numbers were carried off into slavery. The remnant joined their friends in the south, and almost entirely deserted Taranaki. Thus, between those who voluntarily migrated with Rauparaha, and those who were driven away by the Waikato war, it happened that at the time the New Zealand Company attempted to colonize these islands, there were not more than 60 or 70 natives resident in the whole country between the Sugar Loaves and Waitara. Reretawangawanga, the father

* Sic.

of Wiremu Kingi, was in the first migration, and settled with his people at Waikanaé. Towards the end of 1839, Colonel Wakefield (the Company's agent) arrived in New Zealand, and among other places went to Waikanae, where Wiremu Kingi, even at that time an intelligent and enterprising man, took great interest in the Colonel's proceedings, and accompanied him in the ship *Tory* on a visit to the Ngatiawa chiefs of Queen Charlotte's Sound, to buy land. It was on that occasion that Wiremu Kingi signed the deed of which so much has been said; but for my part I never attached much importance to his signature, except as it may be held to bar his individual right. About this time the Ngapuhi and Waikato tribes determined on manumitting their slaves taken in war, and almost simultaneously with the introduction of European settlers into Taranaki, numbers of the Ngatiawa captives returned to their ancient location; while those who belonged to the first migration followed their example, and also began to come up from the south in small detached parties. Wiremu Kingi and his father remained at Waikanae, but according to Maori law were equally entitled to reclaim their old possessions at Taranaki when they should return. I need not remind the house of the disputes which immediately followed the return of the Ngatiawa, in the first years of the settlement, nor how they and the English settlers contested the possession of the soil; still less need I remind them that in 1844, Mr. Spain, the Queen's Commissioner for investigating and determining titles to land, held his Court at Taranaki, and decided that the Company was entitled to a grant of 60,000 acres, or that Governor Fitzroy disallowed that decision on the ground of its setting aside the claims of unreturned captives and absentees. I do not believe that Governor Fitzroy meant absolutely to annul the Company's purchase; I think it is clear he intended that compensation should be given to the absentees as they came in, not that they should have all the land back. But whatever he may have thought, there was never a doubt on my mind that the natives understood his decision practically to be a recognition of their ownership and a giving back of the land. The house is aware that the Imperial Government were dissatisfied with Governor Fitzroy's course, and desired Governor Grey to do all he could to get the land awarded by Mr. Spain. In the early part of 1847, Sir George Grey, accompanied by Wiremu Kingi, went to Taranaki in the hope of settling the land question. At one of the meetings on that occasion, Kingi declared the intention of himself and his people to return to Waitara; Sir George Grey refused to grant permission for them to do so; and Kingi said he should return without it, and defied the Governor to prevent him. He did return in 1848, and to this I trace all the troubles that have since occurred. Just before, I had been engaged in the purchase of the block which bears my name; Rawiri Waiaua, the principal chief of the Puketapu people, had for some time been willing to sell the land, and offered me this block; and I was specially authorized by Sir George Grey to acquire it. It was well known that the sale was strongly opposed by the chief Katatore, but I was satisfied he would not proceed to extremities against Rawiri. I went down with 60 or 70 of Rawiri's men to meet Katatore on the ground, and with some difficulty the survey was made. Katatore owned he was beaten, and asked me to obtain some land for him at another place; I took him down to the south to Sir George Grey, whom he asked to send him to one of the South Sea Islands. Sir George Grey, of course, did not think it right to do this, and then Katatore returned to Taranaki, joined Wiremu Kingi, and was among the most active of the land league there. Wiremu Kingi, hearing while on his way up the coast of the sale of the Bell Block, asserted a proprietary right over it; but at a subsequent meeting on the ground of all the natives concerned, his claim was heard and rejected, and I do not believe he ever received one sixpence of the payment. Katatore, being now put forward as the advanced guard of the party opposed to land selling, and supported by all the power and influence of Wiremu Kingi, assumed a position he would not before have dared to take. On Rawiri's offering another block for sale in 1854, he threatened to prevent the sale by force; and on the evening before the day Rawiri had named to mark out the boundary, he sent him a messenger with a musket as a token that he intended to fight. Rawiri, nevertheless, went out unarmed, and on arriving at the boundary was with 14 of his people deliberately shot in open day. I need not tell the House what fierce passions were immediately evoked. Arama Karaka, Rawiri's brother, at once came up from the south, and fighting took place at various points, till the English settlement was placed in such imminent danger that the Acting Governor was induced to send a large detachment of troops to be stationed there. Not very long after, from causes which I need not now detail, Katatore completely changed his opinions, and from being one of the most violent of the anti-sellers, became an earnest advocate for selling land; I saw him just before his death, and he told me all the story. This change was, I really believe, one of the causes of the conspiracy for his assassination. A treacherous plot was formed by Ihaia and other natives, and one evening in January 1858, he was waylaid on returning home from the town, and murdered with three of his adherents on one of the public roads of the Bell Block, in the presence of English settlers who dared not interfere, and with circumstances of peculiar ferocity, the bodies being literally hacked to pieces. Was it to be expected that bloody retribution should not follow such a deed? The history of it is too recent to be forgotten, or the acts of unparalleled treachery which disgraced the feuds that ensued. But it is very observable, that nearly every one of these quarrels was distinctly traceable to disputes about land among the natives themselves; there were undoubtedly many instances of pure revenge and the law of blood for blood, but the origin was mostly in disputed title to land. Now it has been much urged in this debate that the Governor had declared he would buy no land the title to which was disputed; but he also declared he would no longer permit one chief to prevent another from selling that which was his own. I ask, where is the land at Taranaki about which there is no dispute? The hon. gentleman, the member for the City (Mr. Forsaith), has told you there is not an acre of land there to which you would not find a hundred claimants; well, it was these claimants who had been slaughtering each other before our eyes, and it was time their sanguinary feuds should cease. A great deal has been said, not only in this House, but in the press throughout the Colony, about *mana* as applicable to Wiremu Kingi's case; and the strangest doctrines have been advanced on that subject. Now, I have had some little experience in the matter of native titles to land, and it will, perhaps, surprise the House to hear me say that I never, during a long course of official labour and earnest study, have seen or heard a definition of the term *mana* which satisfied my mind of what is really meant by those who use the term freely enough in argument. The question is, is there a custom lying at the foundation of the territorial right to land, and recognised by the natives of these islands to be of universal application, which, independent of proprietary and tribal rights, vests a certain *dominium* in a chief? Now, in every public inquiry that has taken place on the affairs of New Zealand, from the first committee of the House of Lords in 1838 down to the present time, the most earnest attempts have been made to arrive at the real character of native tenure; page after page of the Blue Books is filled with questions on this point, put to everybody who was supposed to be capable of giving an answer; and I ask the House if it be not an extraordinary thing that this *mana* or *dominium* is nowhere defined, or, I was going to say, even mentioned? We have heaps of authorities—Mr. Maunsell, Mr. Clarke, Mr. Busby, Mr. Spain, and a host of others—and I cannot find a definition of *mana* in one of them. We know what other customs existed; we know how at the great original migration the occupants of the first canoes

took possession of the land; we know how it became subdivided as the tribes increased, and the *hapu* branched off from the *iwi*; we know how particular and distinct titles arose as land was subdued by cultivation, as hunting grounds were claimed for catching the rat, as weirs were erected in the streams, or as numberless other special acts of ownership were exercised; we know how these distinct titles still merged in the tribal title, and did not destroy it; these are customs universally recognised, lying (as I said) at the foundation of native tenure throughout the islands. But that there is a custom existing throughout New Zealand (for I make that, of course, the condition) anything approaching to our own feudal tenure, or giving to chiefs the manorial right which is claimed for Wiremu Kingi, I must take leave to deny, and specially to deny its existence at Taranaki. I entreated the hon. gentleman the member for the city (Mr. Forsaith), to tell the House what *mana* was, but he has not done it. Mr. Clarke laid it down as an axiom in 1843, that conquest without occupation gave no title, and that slaves taken in war did not lose their territorial rights; yet Mr. Clarke was the officer who bought Taranaki from the Waikato Chiefs. Did he buy the *mana?* for he certainly did not buy possession, inasmuch as the Waikato neither remained nor cultivated there after the conquest. But when we have got a precise definition of what is meant by *mana*, I want another definition still. In whom does the *mana* lie? Is it in the head chief of the *iwi*, or the chief of the *hapu?* These questions are important as applicable to Wiremu Kingi, for if the *mana* is in the chief of the tribe or iwi, it is certain that he will not be recognized as the head chief of the whole Ngatiawa people; and if the *mana* is in the chief of the family or *hapu*, the land at Waitara has been sold by the Ngatituaho and Ngatihinga families, whereas Wiremu Kingi is Ngatikura. The fact is, that when you use the word *mana* you merely mean the right of one man to forbid the sale of land by another, even where he has himself no territorial right; and Mr. McLean has distinctly stated in reply to the Governor's memorandum read to-day, that Wiremu Kingi had no right to interfere and prohibit this sale. Sir, a heap of nonsense has been talked about feudal or manorial rights. In former times, before the establishment of British sovereignty, the power of the chiefs depended on the law of the strong arm; what you call *mana* was just this, that what a great chief could hold, he held, and what he could not hold was taken from him by some one else. Mr. Busby writing in 1837 says: "To those unacquainted with the status of a New Zea- "land chief it may appear improbable that he would "give up his own proper rank and authority; but in "truth the chief has neither rank nor authority, but "what every person above the condition of a slave, "and indeed most of them, may despise or resist with "impunity." I heard Mr. McLean the other day, at the conference at Kohamarama, ask what other right of mere chieftainship, independent of tribal title, existed anciently but this right of the strong arm; and there was no dissent, for the assembled chiefs knew he spoke the truth. It is all very well to sneer at Mr. McLean, and to call him ignorant on native matters; I tell you he has never been equalled, and never will be equalled, for the authority he possesses among the chiefs of every tribe in the islands, and for the confidence he has inspired them with during a period in which we have bought thirty millions of acres, and he has rendered such immense services to the colonization of New Zealand. An objection has been taken by the hon. gentleman the member for the Bay, that the claims of Wiremu Kingi ought to have been investigated by a Court; and that the District Commissioner was not a Court: but in the same speech the hon. gentleman told us how much he approved of the Territorial Rights Bill of last session, and on turning to the eighth section he will find it declared that no Court of law or equity has or ought to have any jurisdiction in native titles, except one of the Courts under the Native Districts Regulation Act. The real state of the question, however, is this. Did Wiremu Kingi, in the way which is ordinarily pursued, assert his claim to the Government? The hon. gentleman the member for the Bay says, that this assertion is to be found in the letter printed in the papers laid before the House, where Wiremu Kingi speaks of the Waitara as their "bed room." The words are, "this bed room "belongs to us all." But I certainly cannot see that this is an assertion of a specific claim to the land sold by Teira, (or rather not by Teira, for he has been made far too much of, and his name far too much used throughout,) by Tamita Raru, Rawira Raupongo, and the others. How far south and north of the Waitara river did Wiremu Kingi mean? I think that no one will deny that those who sold the land had a territorial right; but Wiremu Kingi will not allow them to show where their land is. Undoubtedly they own a share of this bed room, which Wiremu Kingi wants to carry up to the boundary of the Bell Block; they say, "we "will sell our share;" but Wiremu Kingi steps in, and declares not only that he will prohibit them from selling, but that he will prevent them from even pointing out their share on the ground. I say it is unfair to call that an assertion of territorial right to the particular land offered for sale by Teira, which is in reality a general assertion to a vast undefined tract, including Puketapu land, to which Wiremu Kingi's claim would be rejected just as his claim to Bell Block was rejected. But if instead of this general assertion he had claimed a specific possessory right within the boundary given by Teira, he would have been heard. Why did he refuse the Governor's safe conduct? He could have come in to prove it then, and he can come in and prove it now, when he lays down his arms and yields submission to the law, for while he has arms in his hands it is impossible to treat with him. The statement we have heard that he has already made out a *primâ facie* case of right is not borne out. I think it extremely probable it will be found, by-and-bye, that some land is included within the exterior boundary of Teira's block, to which claims will be substantiated, even by men now in arms against us, but I should be surprised to see one substantiated by Wiremu Kingi himself, because it is perfectly well known that he has land close on the south bank of Waitara, and this has been carefully excluded from the survey. It would puzzle any one to find any piece of land there, of which it could be said with certainty that there were no latent claims, but the admission of such claims was expressly provided for and reserved, with perfect freedom to the claimants to keep or sell their right. Sir, I have detained the House far too long already, but I cannot sit down without one word as to the Governor's course, It has been said that the Governor meant and wished to make war. Nothing can be more utterly untrue. The Governor's main objects in his declarations of March 1589, were first to put an end to the dreadful scenes of bloodshed that for years had been enacted among the natives, and had threatened at any moment to involve the settlers, and secondly, to free the natives from the oppression of the land leaguers. It was a natural consequence, of those declarations that he should accept Teira's offer of the Waitara land, and when upon his attempting peaceably to lay out upon the ground the position and extent of Teira's claims, Wiremu Kingi resisted the survey by force, and prohibited him from even ascertaining what those claims were, it was a further natural consequence that the Governor should repel such an assumption, and oppose force to force. It was not the Governor who made war on Wiremu King, it was that chief who made war on the Governor, by erecting armed pahs, by performing war dances, by refusing the safe-conduct, and rejecting the merciful summons that was sent to him. The Minister for Native affairs has distinctly raised the issue of justice, and that one only, for our consideration; I feel constrained to say, that it is not possible on that issue to charge the Governor with having acted unjustly in the course he has pursued (loud cheers).

Extracted from the "NEW ZEALANDER" Newspaper, dated Auckland, August 11, 1860.

HOUSE OF REPRESENTATIVES, Tuesday, August 7, 1860.

The *Speaker* took the Chair at 12 o'clock.

Dr. Campbell was sworn in as member for the Suburbs of Auckland.

Message No. 1 from His Excellency was received, enclosing abstract of his despatch to the Secretary of State for the Colonies on receipt of the despatch disallowing the Native Territorial Rights Bill.

Message No. 2 forwarded a memorandum from the Chief Land Commissioner, and a letter from the Native Chiefs assembled at Kohimarama, in reference to making the Conference an established institution.

The *Native Minister* moved, That these messages and enclosures be taken into consideration when his motion for the appointment of a Committee to inquire into the Native Land question came on; also that they be printed and inserted in the notice-paper. When that motion came on, he would go into the whole question, which he had not been able to do before in consequence of the Governor having hitherto received no specific proposition from the assembled Chiefs.

William King's letters to Archdeacon Hadfield.

Mr. Forsaith: Before the business of the day was commenced, he wished, with permission of the House, to make a few personal explanations. [The SPEAKER: The hon. member must take care not to introduce any matter for debate.] He (Mr. Forsaith) would confine himself strictly to explanation. It would be remembered by the House that, in the course of the debate, members who spoke after him had alluded in terms which admitted of an inference prejudicial to his character for candour and honesty, to the fact of his reading only parts of the letters addressed by W. Kingi to Mr. Hadfield. The inference naturally suggested that he had suppressed portions of these letters from some improper motive. He requested hon. members to listen to the reasons which induced him to omit certain passages of these letters, and he trusted they would admit, when acquainted with these reasons, that he could not have done otherwise than he did. These letters were placed in his hands, without any express stipulation or restriction of the use to be made of them, on Thursday morning, at which time he first became aware of their existence. He did not at the time do more than give a cursory glance at their contents. During the whole of the remainder of Thursday, he was fully occupied with other matters, and it was not until Tuesday forenoon, an hour or two before the debate commenced, that he sat down to make himself master of the contents of these letters. He then discovered some passages containing allusion to Mr. Williams and Mr. Hadfield, which he could not understand. He had no opportunity of communicating again with Mr. Hadfield before the House met, and therefore he felt it to be his duty to omit passages, the reading of which might create impressions which would not be created if he were in a position to explain their meaning. He more readily came to this determination, because the passages omitted had no direct bearing upon the points which he intended to establish from the letters. He might, perhaps, be permitted to add that the readiness with which the owners of the letters afterwards authorized the hon. member for the Bay of Islands to say that copies would be furnished for the use of members was a proof that there was nothing in the letters requiring concealment. He trusted this explanation would satisfy the House that no imputations could properly be cast upon him for reading only extracts. (Hear, hear). He hoped the House would accept his assurance that, while he would not at any time consciously attempt to mislead the House by the *suggestio falsi*, so on the other hand he would equally shrink from any attempt to mislead by the *suppressio veri*. (Hear, hear.)

Adjourned debate on the Native Offenders Bill.

On the motion for the resumption of this debate,—

Mr. C. H. Brown, said: Sir,—This House has listened with marked approbation while the hon. member for Omata (Mr. J. C. Richmond) defended his absent friend, Mr. Parris. Let me entreat the same favourable hearing while I say a few words in behalf of my friend Archdeacon Hadfield, who is in so far absent, that he cannot stand up in this place to defend himself from the grave charges implied against him in the speeches of the hon. member who has lately joined the Ministry, and of the hon. member for Wallace County (Mr. Bell). In the first place let me deprecate on behalf of Archdeacon Hadfield all harsh and unfair criticism of those "wise after the event." I must ask hon. members to set themselves back in imagination to a time when the war was not thought of, to a day when the names of Kingi and Tiera had not grown familiar to men's ear. The first of the letters from which these charges have been inferred, is from W. Kingi to Mr. Hadfield, dated July 2, 1859. It contains general complaints of the urgency of the Pakeha to buy his land at the Waitara, and expresses fears of his being taken prisoner by the Pakehas for refusing to sell his land. Mr. Hadfield, in his answer to this letter assured W. King that if he only laid claim to his own land, he had a right to do so, and had nothing to fear, and that it was quite impossible that a British Governor would commit an act of injustice. Sir, the most loyal member amongst us could not have written more loyally than that? The second letter from Kingi to Archdeacon Hadfield is dated July 27, 1859, and again complaining of the urgency of the Pakeha to get his land, of Pakehas saying that he would be taken prisoner, and of expressions used to him by Mr. Parris. Mr. Hadfield did not answer this letter, classing it with those loose complaints and childish fears which a missionary frequently hears expressed by Maories. In illustration of this position, I may state that in the same month in which Archdeacon Hadfield received this letter of Kingi's, he received from Nipia Taratoa, of Rangitikei, a Ngatiraukawa chief, a complaint that he had heard that he was going to be carried away prisoner for refusing to sell his land, and requesting him to write to the Governor about it. Sir, had Archdeacon Hadfield forwarded this case to the Government is it not probable that he would have been charged with being meddlesome? Sir, an unfavourable impression was manifestly produced upon hon. members by a passage read from this second letter by the hon. member for Wallace County (Mr. Bell.) Sir, I assert that the passage bears reference to a conversation which took place in the year 1839, before the British Government was established in the country, and that it is plainly shown to do so by reference to letter No. 1. I propose to content myself with these assertions unless any hon. member should wish me to read out the passages themselves, in which case I am prepared to do so.

Mr. Stafford here rose to remark that these letters would be laid before the house *in extenso*.

Mr. Brown resumed: Sir, when I rose in this place it was with no intention of entering fully into all the details of this case. I understand that an opportunity will be afforded Mr. Hadfield, either before a select committee or a committee of the whole House, to enter fully into his own case. I proposed only to show that there was at least cause why hon. members should, in the meantime, suspend their judgment. [A wish being expressed that the passages in question should be read to the House, Mr. Brown proceeded]; I propose then first to read these passages in the original, and then to give my rendering of them into English; and if any of the Maori scholars amongst hon. members can correct me, why so much the better. The passage read out by the hon. member for Omata County (Mr. J. C. Richmond) runs thus:—

"Mehemea kaore koe i rongo ki te kupu i tuhia e koe nei, nei ra i rongo ano, korua ko te Wiremu ki te kupu a Rere mo Waitara nei, kia purutia; na Rere taua kupu, naku hoki na korua hoki taua kupu."

—My rendering of this passage runs:—"If indeed you had not heard of this word you wrote about here " but indeed you did hear, you and Te Wiremu (Rev. " Mr. Williams) too, to the word of Rere about Wai- " tera here, to hold it; that word was from Rere, from " me also, from you two also." I assert that these words allude quite plainly to the following passage in the first letter:—

"Me whakaaro e koe te kupu te Rere i ki atu ki a " koruako te Wiremu *i tokorua taenga mai ki Waikanae* " e mohio ana koe ki tua kupu mo Waitara, ekore e " tukua e au kia te Kawana, raua ko te Makarini."— " You must remember the word which Rere spoke to " you and Te Wiremu (Rev Mr. Williams), *at the ar-* " *rival of you both at Waiknae*; you know this word " about Waitara, I will not let is go to the Governor " and McLean."—Now, Sir, I contend that no inference of opposition to Government, in 1859, can be drawn from words spoken more than twenty years ago. King's third letter to Archdeacon Hadfield was dated December 5, 1859, and did not reach him till the end of that month. It was written a day or two after the first instalment of the purchase-money of the land in question had been paid, and it expresses similar fears to those expressed in the other two. Mr. Hadfield did not answer this letter, considering that it had been answered in effect by his first letter to King. It was not sent to the Governor from reliance on an assurance received from the Governor personally at Otaki,—that nothing would induce him to use force to obtain land concerning which there was a dispute; and also, because the Governor was then absent from Auckland, and the General Assembly was expected to assemble early in March at Wellington, when the Governor would be there. Mr. Hadfield spoke to his Diocesan the Bishop of Wellington on the subject, and he advised their awaiting the arrival of His Excellency in Wellington, and then making personally a joint representation as to the evil effects of the present system of land purchase in irritating the natives. On March 11 the Governor wrote to Mr. Hadfield. Mr. Hadfield answered that letter on March 16, giving in very strong terms a statement of his opinion about the war. Sir, when the session of the General Assembly was postponed, and hostilities had commenced, Mr. Hadfield considered that it was of no use to forward this letter to the Governor. Sir, I hope that I have at least shown cause why hon. members should suspend their judgment in this case.

Mr. Ward could not assent to the doctrine that Southern members should be silent on the Native Question, since he had heard the successful speech of the member for Dunedin Country on Friday night. The real facts of the case were known but to few in the House; these few, who differed from one another very considerably, had given their information in long and able speeches, and all that was left was to comment upon the case made out on each side. He thought it a fortunate thing that there were some members present who could think on the question without passion, and were therefore somewhat in the position of a jury, while others played the part of advocate. Besides the deepest interest was taken in the Native Question by everybody in the province to which he belonged. Not only was the strongest sympathy felt with the individual sufferings and danger of those whose position exposed them to the horrors of war, but the deepest interest was felt in the general bearings of the question at large, and in the political position of the North island with reference to it. It was no more incumbent on a Southern Islander to sit mute during the discussion, than it was on every representative of a northern constituency to take an active part in it. For his own part, he should very ill represent his constituents if he were not fully alive to the importance of the Native Question and anxious to be thoroughly informed upon it. The speech of the Native Minister clearly recapitulated the facts which might be found by a careful study of the Blue Books; but that of the member for Auckland city (Mr. Forsaith), introduced important novelties, of a kind which evidently startled the House at first. On examination of the letters written by Wiremu Kingi to Mr. Hadfield he found therein assertions made by the former; first that he was annoyed by the Pakeha, and was afraid that the Governor really meant to drive him into desperate measures; secondly, that Mr. Parris had so conducted himself as to preclude the possibility of their ever coming to terms; and thirdly, that the land in question belonged "to all of them, to the widow " and orphan." The first two assertions were no doubt worthy of investigation. but it was on the last, that the greatest stress was laid in support of Kingi's case. Now he (Mr. Ward,) could find no claim in this form of words more than was asserted in the letter from Kingi to the Governor which were printed and laid before the House. The claim was in every case that the land belonged to "all of us." Though professing but little acquaintance with Maori language or customs, he ventured nevertheless to say that no native having an individual claim of his own to anything avoided the use of the words 'I,' and 'me.' A Maori was not in the habit of calling a thing 'ours' when he meant to say that it was his own. The expressions in the letter to Mr. Hadfield were not a whit stronger than those in the letter to the Governor; in fact they indicated even a weaker individual claim, for he said the land belonged "to the widow and orphan." He (Mr. Ward), could not understand the meaning of the phrase; he did not like to say flatly that it was a piece of claptrap, but remembering who it was that King was writing to, he thought the claim backed up by such sentiments looked still more suspicious; if it was the land of the widow and orphan, at any rate it was not his own. There was but one interpretation to be put on Kingi's claim, an interpretation which was supported by every tittle of evidence as yet adduced, —by the attitude of Kingi after the Bell Block transaction – and when Rawiri offered his land for sale and was killed by Katatore, as well as by the expressions used by him elsewhere in the letters, as translated by the member for Wallace County (Mr. Bell), that the boundary of the land which was not to be sold was settled at Waitaha, including all the country up to the Bell Block, far from Kingi's own property. The plain inference was that Kingi was urging, not his own claims, but the determination of the various tribes who had agreed not to sell their land and to prevent others from doing so; that, in fact, he appeared in the case as a land-leaguer. It was at this that the declaration of the Governor was aimed—that he would not suffer any one to interfere with the sale of land to which he could show no title. Issue was taken on this point, and not on the title of Kingi to the land, which he believes had never been set up by Kingi himself. It must be remembered, further, in confirmation of this view, that the clear title of Teira and his friends to the land had not been even attacked. It could not be said, therefore, that the Governor had purchased land the title to which was disputed; the only dispute was as to the right of the real holder of the title to sell contrary to the wish of Kingi and the land-league. Looking at the matter in this light he could feel a great deal of sympathy for the Maori side of the question. It was quite natural that men in a fit of uneducated patriotism should believe that the selling of land was degradation and destruction to their race. To gather themselves together, establish peace among themselves, and make a united struggle for the preservation of their nationality, was by no means an ignoble object to set before themselves. Put civilized Englishmen in a similar position, and what would they do? Would not they consider it the highest patriotism to fight against the foreigner, and dignify the struggle by the name of a War of Independence? It must be recollected how little could be understood by the Maories of the doctrine of the Queen's sovereignty; how signally incompetent the dealings between the two races had been to impress such an idea on the minds of the natives. King had been called a "rebel," and his proceedings "rebellion;" he (Mr. Ward) could not stigmatize them by quite so severe a name; nor would

the Governor nor the House think of dealing with Kingi as if he were an English rebel when the struggle is over; it would be better, therefore, to avoid expressions conveying more than was really meant. Now for the first time the doctrine of the Queen's supremacy was being practically taught. The Governor's declaration and King's resistance raised that question, and not, as had been shown, that merely of a claim by a native to some land. It was most important that the House should clearly settle this point, for on it depended not only the justice of the war, but the whole of future policy towards the native race. The causes of the war were best worth analyzing, because by understanding them, attention could be directed to avoiding them for the future. In his opinion the one cause of the war was the want of government for the natives. A great deal had been said against the Land Purchase Department. That department might stand on its own foundation as regarded its utility for the extinction of native title, when the time should come for the House to consider that question. But, at any rate, it was mournfully absurd to look on the department as anything in the way of a government for the natives. There were certainly a few attempts made to bring English influence to bear otherwise than in the purchase of lands, and he was prepared to say that at one time in the history of the Colony—he spoke with authority as to the period from 1848 to 1851—it had been perfectly possible to introduce an excellent machinery for the administration of justice into the interior. But scarcely anything had been done; almost the only point of connection between the Government of the Colony and its so-called Maori subjects had been land transactions—a course of begging, beseeching, and paying money. It was in this way that the natives knew the Queen of England, only as an importunate suppliant for their land; was it not natural that they should have little idea of her exercising any authority over them; and more, when they meant to cease selling land, that they should consider all her dealings with them at an end—the Queen on one side of the great question, the Maori nation on the other. The House and the Government, however, must take another view of the question; and whether land sales go on or not, must prosecute the appeal to arms in support of Her Majesty's supremacy, knowing that the object to be gained will be for the lasting good of both races. And when the British sovereignty is vindicated, and its force understood throughout the island, care must be taken to institute a real government for the Maories, that the lesson once taught by arms may be well understood for ever, and never have to be renewed. The subject was large, and he had been led away from the ostensible subject of debate in consequence of its complexity; he was glad to find that the division of the subject any further, against which he had intended to protest, was given up by Ministers.

Mr. Domett said, that although he felt some hesitation to contribute to prolong this already lengthy debate, yet as no opportunity world be afforded of voting on the subject in discussion, it became necessary for members to speak, in order to have their opinions recorded. His own opinion he would state as briefly as possible. He congratulated the House on the fact that W. King's case had been taken up and conducted so ably by the hon. members for the Bay of Islands and the City of Auckland. He believed the House had heard all that could be said in favour of W. King and his cause. And what did it all amount to? The upshot of the speech of the hon. member for the Bay was rather an excuse for W. King's not having made any claim to the land in question, than an assertion that he had made such a claim. The hon. member apologized for W. King's refusal to prefer his claim—excused him on the ground that "a proud Maori chief" was not to submit a claim to such a Court as that of the Land Purchase Commissioners. But whatever might be said against the Court, against its constitution, or its origin, by educated Europeans, these were not objections that would occur to a Maori. It was the Court and the only Court established by the British Government for hearing these claims; it had been in existence and recognized all over New Zealand for 20 years about—and greater native chiefs than W. King had over and over again submitted their land claims to its decision. It was idle to excuse W. King on this ground. Moreover, W. King never made nor does now make this objection himself. Is it not curious that it should be left for a member of this House first to start this objection for him, and to deny the authority of the Court? As for the hon. member's argument that the case should have been brought before to the Supreme Court, putting aside other objections, does any one in his senses believe W. King would have submitted to have his claim decided by it? The hon member for Auckland, however, declares that W. King *did* assert his claim to the land. And he makes this statement on the faith of the letter to the Governor, wherein King says, "Waitara is our bed; "it belongs to all of us;" a claim about as vague as when an Englishman says "Herefordshire or Kent in "Surrey is *my* county." But without laying any stress on this, let hon. members consider *how* this claim was made. It was made in a private letter to the Governor (Mr. Forsaith "a public letter.") Well, an official letter, but, as far as publicity is concerned, the same thing as a private letter, for it would be seen by none of the other natives concerned; and yet, on two public occasions at least, when the claim could and should have been made, it was never hinted at by King. When Teira's land was first offered, the Governor (in the papers before the House) says, "I "had also an interview with the chief Wm. King, *and* "*a large part of his tribe*, who came to see me;" and afterwards "W. King then rose, and *while asserting no* "*claim to it*, said he never would permit that land to "be sold." Again, Mr. Parris says, "on Tuesday "W. King came with a party of about 30 to oppose "the payment for the land. I prevailed on them to "meet Teira and party and *discuss* the question, "which was done in an orderly manner, &c." And then in the most distinct way he asknowledges that the land is Teira's. Mr. Parris asks, "Does the land "belong to Teira and party?"—A. "Yes, the land is "theirs, but I will not let them sell it." Here was no question of pride, nor of the authority of the Court. W. King comes on each occasion and discusses the question. Now, is it conceivable, that if W. King had had any *claim to ownership he would not have advanced it on these occasions?* He knew such a claim as that would have been listened to, and have stopped the sale he was so anxious to stop. And yet he never makes it, though it would have cost but a word. Is not the conclusion unavoidable, that he did not make a claim of that kind, because he knew he had none, and that it would have been openly and at once denied by the natives present? He contents himself with defying the Governor, and asserting his mere will in the matter. And this brings us to the real point at issue. He (Mr. D.) believed W. King's advocates were perfectly right in resting his case upon "mana." Now what was this "mana"? Hon. members who were supposed to know most about this mysterious matter had discussed it at full length. But after all the discussion and all the instances of it that had been given, he would ask hon. members if they had any clear idea of what it was or is? He (Mr. D.) believed that "mana" was simply a term expressing a general idea, like "influence," and that all the confusion arose from attempting to give a specific meaning to the word. He believed after all he had heard that "mana" was nothing more or less than the old rule of "Might is "Right." Every one had heard of this as a principle among savage communities, and could quote Wordsworth's description of it as

"The good old rule, the simple plan,
That they should take who have the power;
And they should keep who can."

But he (Mr. D.) believed that in coming to New Zealand, the colonists had come for the first time upon this principle *in action*, and that they did not recognize their old acquaintance "this good old rule" under its

strange name of "mana." He believed they had got so puzzled from attempting an impossibility, viz., to give to a principle that was the abrogation of law, the incidents of law; to mark out by precise definitions and scientific limitations the operations of the blind principle of force. This, he thought, would be more apparent if hon. members would reflect what would be among savages the actual working of the rule of Might making Right. Of course it would not be merely a perpetual conflict. If a chief of a tribe had conquered another tribe, or become famous in war and established his influence or power, that power would in most instances remain, for a certain time at all events, undisputed and acknowledged. And all this time it would be capable of transmission and transfusion—as to a son during the lifetime of the father who had acquired the power—or to any relative, who it was known would be backed up and supported by that power, even though that relative were an old woman at a distance, as in the instance cited by the hon. member for Auckland. It would be in this state of the "good old rule" while it was naturally acquiring something of the attributes and incidents of regular law—that it would appear in a hundred forms—perhaps all different, yet all springing from and based upon the law of Might. Well, he believed this mana was the law of Might caught in this mixed and middle state. But hon. members would see that it was of the very nature of such a rule as Might is Right, that to dispute it is to invalidate it for the time. The only tribunal where such a right could be tried is the battle field—its discussion is war, its decision victory or defeat. Whenever disputed it is invalidated, because it has to be recreated afresh, to be built up entirely *de novo* by conquest. And he made this remark, because on this principle it would be seen that the Government might (as indeed it often had done) consistently recognize this right, this *mana*, wherever it was undisputed and acquiesced in by all the natives concerned. But to acknowledge it for a moment *when disputed*, would be to say to the deputants "Go and fight it out." *That*, of course, Government could not do. It followed, then, that when the Governor said he would not buy *disputed* lands, he meant and could only mean lands, the proprietary title to which was disputed on some other grounds than this of might or *mana*. But now whether mana be this law of might or not, it is quite clear that W. King grounds his opposition on the latter. He says, he "will not let it be sold," that is the only reason or claim he makes—his power to withhold it and prevent the sale. One word more with respect to this mana, however interpreted. He (Mr. D.) must differ from the hon. member for the Bay, who declared that all the documents relating to Mr. Spain's award, and its renewal, were mere rubbish to be swept away. The papers showed that Mr. Spain was right, and so it appeared, had the English Government, including Mr. Gladstone, thought at the time. But the reversal of the award simply let in the old inhabitants of the country, the Ngatiawa, as individual owners and cultivators. It had nothing to do with the mana. There was another transaction, quite apart from Mr. Spain's award, which had never been reversed or repudiated by Government or Governor. And that was the purchase by Mr. George Clark, Protector of Aborigines, the Government's own agent, from the Waikato. Now what did the Government buy of the Waikato but their *mana?* They undoubtedly possessed it at that time, and had nothing else to sell. It was commonly believed that when a purchaser made a purchase, the thing purchased became the property of the purchaser. Mr. Clark paid money and goods for this mana, and if anything at all was given in exchange it was this mana, which therefore belonged and belongs to Government. The reversal of Spain's award, and the recognition of individual ownership in the Ngatiawa, does not affect this right. Well, the other great point of the speech of the hon. member for Auckland was a kind of deposition to character made by him in favour of W. King. The hon. member had begun with a glowing description, in a pathetic style, worthy of the universal novel-wright Mr. James at least, of the death-bed of what he called the "renowned "old warrior," W. King's father. "Go with me," said the hon. member, "unto yon lowly hut;" well he (Mr. D.) had gone in imagination with him into the hut (in spite of the many disagreeable little occupants it probably contained,) and had pictured to himself, emerging from the gloom in the corner, the red eyeballs and blue face of the old—ruffian he would not say—but of the venerable marauding canibal and freebooter. But he could scarcely sympathize, as the hon. member had done, with the old man-eater, as he pourtrayed him—giving his dying injunctions to his hopeful son, and while the least gleams of baffled cupidity illumined his ferocious features, entreating him (amid the interrupting of the death-rattle, as the hon. member so affectingly described it,) whatever he did, to hold fast and stick to *another man's land*. This imaginary scene certainly would not excite the sympathy of hon. members. But he (Mr. D.) had been informed, on what seemed good authority, though he would not vouch for the truth of the fact, that the hon. member had availed himself in his melodramatic description, of another privilege accorded to writers of fiction, that of making the boldest or grossest anachronisms where the purposes of the tale required it. For he (Mr. D.) was told that these injunctions of W. King's father were given at least three years before his death—when he was in the full vigour of his faculties—his jaw-bones probably yet aching with the mastication of title deeds, in the shape of the limbs of former owners. How all this might be he could not say; but with respect to W. King's character, certainly the chief incidents of his life seemed more in keeping with the precepts of such a father as he had described, than with those of the one imagined by the hon. member. At all events the most noted incidents in his former life were the direct and open defiance of the British Government and of Governor Grey, and his hostility to the New Plymouth settlers. He would only make one more remark. While he would not for one moment think of asking hon. members to make the primary consideration of justice to W. King, and everybody else, subordinate to any other feeling, yet he could not but remind hon. members of the position they would be taking up in opposing or censuring the Governor for commencing this war. For years—ever since the colony was formed—Government had been abused for truckling to the natives and not asserting the Queen's authority—which was considered to be supporting the interests of the settlers. How would they appear then to the colony and the mother country, if, at last, when an attempt was made to do the thing that had always been clamoured for, they were to turn round and condemn the Government. It would appear unfair, inconsistent, ungrateful. The House should remember that there never was a war, perhaps, in all history, the justice of which might not be disputed by the exercise of such ingenuity as had been used on the present occasion. He trusted, then, that the House would give its most hearty support to the Governor in carrying on a war which, as it had been justly begun, ought to be vigorously pursued.

Mr. King thought there was some circumstances connected with William King not yet discussed. The hon. member for Wallace County had mentioned that on the purchase of Bell Block William King had asserted a right to prevent the sale of that land, and to receive part of the payment. Upon investigation, it was found that he had no such claim. The Natives repudiated the idea of King having any sovereignty over them. There was no *mana* acknowledged among them. On the next occasion, the intended purchase of a block of land from Rawiri, King did not assert a claim. The claim was asserted by Katatore, who was supported by William King and the Ngatiruanui tribe. This claim upon Taylor's land was precisely similar in character to that which he had asserted on Bell Block. But the principle had been gaining strength owing to the refusal of Government to buy land of those who wished to sell. The purchase of this land

from Taylor was effected by the Governor for the purpose of giving the Natives the power of emancipating themselves and becoming members of a British community. War had not been calculated upon. King had tried to bribe Taylor to yield because he did not know how far he (King) would be supported, and would rather avoid the question altogether. For the consequences of the present war was the Governor or Ministry responsible? He thought neither. It was on account of the magnitude of the present war that these questions had been raised. He should support the Government to the fullest possible extent. Why had Taranaki, in the midst of so many Natives, been prevented from establishing a larger population there? They could do nothing for fear of the Natives; and as the number of troops originally placed there (600) had been dwindling down till it only amounted to 90—so had the impudence of the Natives increased. He thought the House ought to thank his Excellency for taking the steps he had done.

Extracted from the "NEW ZEALANDER" Newspaper, dated Auckland, August 15, 1860.

ARCHDEACON HADFIELD AND WILLIAM KING.

[The following is the report of the speech delivered by Dr. Featherston on Tuesday, the 7th instant, and which we were compelled to omit from our last issue. The documents wanting have not yet come to hand, through no default of the hon. members, however.]

Dr. Featherston said: Sir, — While I consider it incumbent upon every member of this House to express his calm and deliberate opinion upon the most grave question that ever has come before it, the fact of my representing a Province in which a considerable number of natives reside who both possess and exercise the elective franchise, who are deeply interested in the contest at present raging at Taranaki, being members of Wiremu Kingi's tribe, and who have urged me to make known their opinions to this House, offers an additional reason for my not remaining silent (Hear.) I confess, Sir, that I have listened to the debate, so far as it has gone, but especially to the explanations offered by Ministers, with very considerable disappointment. I did hope, that Ministers would have given some clearer and more explicit exposition of the relations at present subsisting between them and the Governor in regard to the administration of native affairs than a mere reference to the memorandum of 1856, drawn up by the hon. member for Christchurch (Hear, hear.) We know, indeed, that under the terms of that memorandum, the entire administration of native affairs was vested in the Governor, and yet we find the Ministers, at an Executive Council, held on the 25th January, advising his Excellency on the Taranaki question, recommending the employment of troops to protect the surveyors, the proclamation of martial law, and the military occupation of the land in dispute, and further instructing the Minister for native affairs to carry out this decision. Surely, Sir, this House ought to be informed, whether Ministers gave that advice with or without responsibility—whether they consider themselves responsible for the war. If they do hold themselves responsible for it, then it will be for this House to consider whether they were justified in accepting such a responsibility without its consent, and in violation of the terms of the memorandum of 1856; for on the answer given to this question will in a great measure depend the liability of the Colony for the expenses of the war. Ministers are bound, therefore, to declare to what extent they have committed themselves, and attempted to pledge this House (Hear.) I also expected that Ministers would have taken the earliest opportunity of explaining the financial aspect of the war; that they would have informed us what amount they had already expended, what liabilities they had incurred; given an estimate of the future war expenditure: and especially that they would have removed the anxiety caused by a report that previous to commencing the war, a pledge had been exacted from them, that, in the event of the Home Government declining to pay, the Colony would bear the whole expenses. The Provinces in this Island know full well the manner in which the war, should it become general, will affect them; there is not one of us who fails to recognize that a general war would entail utter ruin upon the settlers of this island, and be attended with a sacrifice of life fearful to contemplate. But it is impossible for the Middle Island to ascertain what interest they have in the war until the bill of costs is presented. When the war bill is presented, I fear that the Middle Island will find that they have a deeper interest in the war than they at present anticipate—an interest which will cripple their resources, and materially interfere with those grand schemes of internal improvement which some of them are contemplating. I hope and trust that this House will insist upon a financial statement being given at once, and positively refuse, until it be given, to entertain a single measure (Hear). I further hoped that Ministers would have openly declared whether the "new policy" recently adopted in the purchase of native lands, of which Wm. King and the natives complain, the policy of "recognizing individual native "claims" and of "ignoring tribal rights, is to be persisted in. This policy was, I believe, first broached in a memorial presented from the Provincial Council of Taranaki to this House in 1858, (a memorial in which, I regret to say, the doctrine of spoliation, and confiscation and repudiation of all the solemn obligations of the Treaty of Waitangi was most broadly advocated.) It was next enunciated by his Excellency the Governor, at the meeting he had with the natives at Taranaki in March 1859, and was still more fully developed by my hon. friend the member for the Wairau, in the manifesto recently issued to his constituents. The principle was for the first time applied in the purchase of the land at Waitara; and considering the disasters it has caused—that one province may be said to be completely destroyed—and that the prospect of a general war is daily becoming more imminent, I do think that the Colony has a right to know, whether this new policy of "recognizing individual claims," and "ignoring tribal "rights," is henceforth to be the policy of his Excellency's Government. For if such is the decision of the Government, or if this new policy be not openly and officially disavowed, I do not hesitate to say, that it will be regarded by almost every tribe in New Zealand as a violation of the rights solemnly guaranteed to them by the Treaty of Waitangi; and that the disasters of Taranaki will be repeated in various parts of this island, but on a greater scale (Hear). Sir, I also did most earnestly hope, that we should have found in the papers laid upon the table, a vindication at any rate of the justice, if not of the policy of the war into which this Colony has been plunged. I have listened with the greatest attention to the explanations of Ministers—to the speech of the hon. member for Wallace, to whose opinions in such matters I attach great weight; and have perused all the documents in our hands; but I regret to say, (and I never made any declaration with greater pain) that I can find nothing to support the statement contained in the Speech with which his Excellency opened this Session, viz.:—"That the cause of the disturbance of "the public peace has been an attempt on the part of a "chief of the Ngatiawa to forbid the sale to the Crown, "and forcibly to prevent the survey, of a piece of land to "which he neither asserted nor possessed any title."—I repeat, I can find nothing to support this statement, and will endeavour to make clear to this House the grounds upon which I have most reluctantly been forced to this conclusion. In order clearly to understand the proceedings of the Government at Taranaki which have terminated in war, and to decide upon their legality, justice, and policy, it appears to me essential that we should ascertain and bear in mind the laws and customs by which Maori titles to land are

governed and regulated. One would imagine, Sir, considering that for the last fifteen years we have had a large staff of officers engaged in the purchase of native lands, that there would be no difficulty in at once declaring what those laws and customs are; but it must be confessed that little or no light has been thrown on the subject by the Land Purchase Department, the officers of which, with the exception of the Chief Commissioner, and it may be of one or two others, do not appear to have been guided by any definite principle. Still, Sir, I apprehend that there are certain native titles, which are based upon well-known customs, and have certain incidents attached to them, which admit of no question—of no possible dispute. First, however, let me remind the House that by the Treaty of Waitangi "the Queen confirms and guaran- "tees to the chiefs and tribes of New Zealand, and to "the respective families and individuals thereof, the full, "exclusive, and undisturbed possession of their lands, "forests, fisheries, and other properties which they may "collectively and individually possess, so long as it is "their wish and desire to retain the same in their "possession." It follows, that whatever rights, especially territorial, the natives possessed at the time the treaty was made, the Government is bound to respect and preserve inviolate. Now there are two titles to land which are so universally acknowledged, that they admit of no dispute—viz., by inheritance and by conquest. When land in the possession of a tribe is inherited by them from their ancestors, it is, so far as uncultivated land is concerned, the property of the whole tribe. Lands actually cultivated by individuals are not absolutely their own, but they are their own as against all other individual claimants, but not as against the Tribe. An absolute title does not exist; that is, no individual could sell without the consent of the tribe. And the reason of this restriction upon the power to alienate is plain and obvious. If an individual possessed such a power, he might have sold his land to a member of another tribe, and that possibly an enemy, and might thus at any time have embroiled his tribe in war. The restriction was thus dictated by the instinct of self-preservation; it was therefore a universal law — a law necessarily arising from the division of the Natives into separate Tribes, independent of each other. In the same way, land held by conquest was the property of the whole Tribe, because it was obtained by the exertions and valour of the whole male population of the Tribe. The leading chiefs had the first choice; then the minor ones, and lastly, their followers selected such land as they required. But these appropriations, for the reason I have just mentioned, were not considered as establishing an absolute title—they were good holding titles, as against all other individuals, but they conferred no right to alienate any portion of the territory of the Tribe. But what was the effect of the restriction upon the power to alienate?—and it is to this I must specially invite your attention. It established a right of property in the whole Tribe over the whole territory of the Tribe; in other words, a Tribal Right was created, of which the Chief was the representative, the protector, and guardian. The Minister for Native Affairs admitted that the *Tribal Right* must be decided by authority, but he failed to adduce any against it, for the best of all reasons, that there never was a point upon which there existed so unanimous a concurrence of opinion. Thus, if we refer to the Report of the Commission appointed by the Governor in 1856 to inquire into and report upon the state of Native Affairs, we find them laying down these laws: "That "each Native has a right in common with the whole "Tribe over the disposal of the land of the Tribe, and "has an individual right to such portions as he or "his parents may have regularly used for cultivations, "for dwellings, &c., but this individual claim does not "amount to a right of disposal to Europeans as a "general rule." "Generally speaking, there is no "such thing as an *individual claim*, clear and inde- "pendent of the *Tribal Right*." "The Chiefs exer- "cise an influence in the disposal of the land, but have "only an individual claim like the rest of the people to "particular portions. When Natives first began selling land, "they intended only to convey a title similar "to that which they as individuals hold themselves"— "the right of occupancy." The following question was put to the witnesses examined by the Commission: "Has a Native a strictly individual right to any par- "ticular portion of land, independent and clear of the "Tribal Right?" The negative opinions were, J. Thorp (mentions one instance to the contrary), Bolger, Searancke, Webster, Burrows, Hemi Take (says he is an individual owner, but would have to make presents if he sold), Fenton, Black, the Bishop of New Zealand (but mentions rare instances to the contrary), Whiteley, Rogan, Rewai te Ahu, Wiremu, Mahi, Marshall, Paora, Kepu, Johnson, Brown, Campbell, Tamati Ngaporo, W. White, Te Hora, Wilson, Davis (but mentions a few instances to the contrary), Busby (except in extraordinary cases), McLean, J. White. The only affirmative opinions were, Porter (mentions three cases, but stated that the individual Maories merely acted as Agents for the Tribe), Graham. In addition to those authorities I may mention that the same law was laid down by Archdeacon Hadfield, than whom no higher authority on Maori questions exists, in some notes he prepared for Sir George Grey fifteen years ago. And I was shown only a day or two since a letter from Mr. G. Clarke, formerly Protector of Aborigines, in which he not only states that the Natives hold their lands in common, and that no individual can alienate any portion without the consent of the Chief, but also adds that no Commissioner could be justified in effecting the purchase at Waitara in opposition to such a Chief as William King. But this tribal right has been almost invariably acknowledged by the several Governments of New Zealand. Thus the Government purchased the claim of the Waikatos to Waitara from Te Whero Whero the Chief, and not from the Tribe, and gave the purchase money to Te Whero Whero and another Chief. And I venture to assert that in all the large purchases effected by Mr. McLean in the province of Wellington the same principle has been followed. He operated through the Chiefs, and in many instances paid the whole purchase money to the Chief, leaving him to distribute it amongst his people as he thought fit. If, then, no question exists as to the Tribal Right, that is, a right of property in the whole tribe over the whole territory of the tribe, there can be still less doubt that it was one of the rights guaranteed by the Treaty of Waitangi, and that in ignoring it in the case of Wiremu Kingi, the Governor has violated the treaty. So conscious are the Government of the blunder they have committed, that they have taken an immensity of trouble and wasted considerable ingenuity in concocting a genealogical tree for Te Teira, their object being to make out that Teira is of higher birth than W. Kingi, and therefore the real Chief of Waitara, and as such the representative of the tribal right. But neither Mr. McLean nor anybody else would seriously assert that W. Kingi is not the undoubted Chief of Waitara. Even if they could show that Te Teira was of higher birth, it would not follow that he was necessarily therefore the Chief, personal influence and character having often more to do with the succession of the chieftanship than primogeniture, Thus Te Rauparaha was the youngest of three brothers; Nepla Taretoa is the younger of two. Innumerable other instances might be adduced. I come now to the assertion that *Wi. Kingi neither asserted nor possessed* any claim to the land alleged to be purchased by the Government of Teira. And let me draw your attention to Mr. McLean's instructions to Mr. Parris, in which he gave him this caution: "Great care should "be taken not to give too much prominence to that "class of claimants who are frequently the first to offer "their lands for sale, from the fact of their title being "in many instances very defective. The actual owner, "in contradistinction to the class to which I have just "referred, seldom makes a noisy or blust ring demon- "stration of what his claims really are; it may there-

"fore be inferred from his silent and uncompromising "demeanour that his rights are not to be trifled with, "and that without his *acquiescence it will be impossible "to make a valid purchase.*" One would almost imagine that Mr. McLean foresaw everything that has occurred when he penned such a remarkable warning; for it would be impossible for any one with a full knowledge of all the circumstances to draw a more graphic or more faithful description of the conduct of the two parties in this case. When we find Teira writing letter after letter to the Governor, urging him "to buy the land," to be stout-hearted and to move "quickly," "not to listen to the words of others," but only to himself and his six confederates, comparing the Waitara to a beautiful woman, beseeching his Excellency to consummate his marriage with the beautiful woman, telling him "that the beautiful woman "is getting cold," and then imploring his Excellency to "turn her towards him and warm her," &c., —when, I say, we see these importunities, one cannot help having a suspicion that Teira is one of the class to which Mr. McLean referred, one of those who are eager to sell because they know that their title is none of the best. Then, how different the conduct of the proud and haughty chief of Waitara! He makes no "noisy, no boasting demonstrations of his "claims;" but by his silent and uncompromising demeanour shows "that his rights are not to be trifled "with, and "that without his acquiescence a valid pur-"chase is impossible." The next proof that King asserted his claim, both proprietary and tribal, is found in Teira's letter to the Governor of the 20th March 1859, in which he says, "Your word advising them "(William King and his party) to mark off their own "pieces of land within our line (boundary of the block "offered by Teira) they have received, but they do "not consent. I consent because it is correct." Here we have a distinct admission by Teira of William King's claim. But the most emphatic assertion of his claims is in Wiremu Kingi's own letter to the Governor, of the 25th April 1859, when he writes, "Salutations to you. "Your letter has reached me about Te Teira's and "Retimana's thoughts. *I will not agree to our bedroom "being sold (I mean Waitara here) for this bed belongs "to the whole of us.* This is another word to you, O "Governor, *the land will never, never be given to you, "not till death.*" Then, in still further confirmation, we have William King's letter to Mr. Hadfield in, which he uses these remarkable words: [Extract read.] Strange that a Maori Chief should stand forth as the protector of the widow and orphan against the Representative of Her Majesty! The Minister for Native Affairs however refers to Wi Tako's letter, which he says carries great weight in proof that Wiremu King has no right to interfere in the sale. I am sorry to say my hon. friend is labouring under a great delusion, that he, in common with most others, has put an interpretation upon the expression in Wi Tako's letter, "the wrong is William King's," which is the very reverse of what Wi Tako intended. Shortly after Wi Tako's return to the Hutt from Waikato and Taranaki I paid him a visit in company with you, Sir, the member for the Hutt, and several settlers. During the interview, which lasted a considerable time, you will remember, Sir, that I asked Wi Tako, "What do you "mean by saying this wrong is William King's?" "I "will tell you," replied Wi Tako, "William King wrote "to the Waikatos, telling them that he had retreated "to the mountains, but shortly afterwards he returned "to the disputed land, and thus the fighting began. "This is what I meant by saying the wrong is "William King's." "What, did you not mean to "admit that William King had no title to the land "—no right to forbid the sale?" The words were scarcely out of my mouth before Wi Tako, Te Puni, and other Chiefs present, cried out, "Kahore, "kahore, kahore. The Governor is in the wrong." William King has land in the block, his wife has land, his son also. "Te Puni and others (mentioning a great number of names) also own portions of "the land sold by Teira." Wi Tako and Te Puni then explained that the land was divided into small allotments; that these allotments were marked out by stones; that many of them had names; and said that if we would accompany them to Waitaro, they would point out the allotment of each individual. Wi Tako added that "Teira had no more right to sell the 600 "acres than a man owning one acre in Wellington "would have a right to sell the whole town." I will now read an exceedingly interesting letter from Riwha Te Ahu, the native Minister at Otaki, in which he relates the whole transaction, it will be observed that he actually gives the names of some of the allotments owned by W. King, his wife and son.—[Letter read.] —Referring now to the public statement of the Government, we find it admitted that at the meeting with the Governor in March 1859 W. King said, "Listen, Go-"vernor, notwithstanding Teira's offer I will not permit "the sale of Waitara to the Pakeha. Waitara is in my "hands, I will not give it up. Ekore, Ekore, Ekore.— "I will not, I will not, I will not. I have spoken," and turning to his tribe added, "Arise, let us go." Whereupon he and his followers abruptly withdrew. It is difficult to conceive in what stronger terms—in what more emphatic manner William King could have denied Teira's right to sell, or asserted both the individual claims of himself and his people, and the tribal right, of which he was the representative and protector. Again at the meeting in December, when Mr. Parris paid an instalment, W. King is reported to have said in answer to the question "Does the land "belong to Teira and party?"—"Yes, the land is "theirs, but I will not let them sell it." On this admission the Government lay great stress. But any one acquainted with the idiom of the language, and the habits of thought of the natives, will tell you that W. King simply meant,—"Yes, some of the land "belongs to Teira and his party for occupancy, but "he has no right to alienate either that or the lands "belonging to others, whether with or without their "consent. This view is confirmed by his letters, in "which he says—"this bed belongs to the whole "of us." It is simply absurd to suppose that after having so repeatedly and distinctly asserted his claims, he should deny and repudiate them in December. Against this mass of evidence, that W. King has individual claims to portions of the 600 acres, and was besides the representative of the tribal right, you have really nothing but the bare and unsupported assertions of Mr. Parris, to whose statements, having regard to their meagreness, and the glaring discrepancies in the two accounts of the interview between the Governor and W. King in March 1859, I for one cannot place any reliance. But the question in issue is not merely whether W. Kingi, in virtue of his chieftainship having the tribal right, and from having individual claims to some portions of the land offered by Teira, was justified in forbidding its sale. The simple question is—*Was the Government justified in ejecting vi et armis certain chiefs and their people from lands of which they are the rightful owners, and which they have inherited from a long line of ancestors?* Government may change their position as often as they please. They may say at one time that they have plunged the colony into war in order to prevent W. Kingi interfering with the right of natives of his tribe to dispose of their lands. They may say at another that they are fighting on account of the murders that have been committed at various times at Taranaki—at another, that they are defending the Queen's supremacy—but depend upon this, when the question is thoroughly sifted and all irrelevant matter got rid of, the simple issue is what I have stated—is the Government justified in ejecting *vi et armis* certain chiefs and their people from lands, of which they are the rightful owners, and which they have inherited from a long line of ancestors? Now, sir, with respect to this alleged purchase, I venture very confidently to assert that there are at least fifty claimants resident at Waitara, Otaki, Wakanae, Queen Charlotte's Sound, and the Hutt, who are prepared to prove their title to allotments within the block of 600 acres bought

of Teira by Government, who have either protested against the sale, or have never been consulted in the matter. Not only have Wiremu Kingi, his wife and son lands within the block,—the names of the allotments even being well known, but the chief Patukehereke is one of the largest owners. He is the chief of the Ngatihinga Hapu, and is the next in rank to W. King; he has on all occasions protested against the sale, and has all along been fighting with W. Kingi. I will beg the attention of the house to a letter of Tipene Ngaruru, a chief of the Ngatihinga Hapu.—[Letter read.]—This statement is important both as confirming the repeated protests against the sale by W. Kingi, Patukehereka and others, and as showing that at a meeting amongst themselves, Teira offered to give lands (outside the boundary of the block) in exchange for those he was offering to the Government. To show how completely the claims of actual owners have been set aside I will now read a letter addressed to me by some eleven claimants living at Waikanae, Otaki.—[Read.]—I also have a list given me by Te Puni of claimants residing at or near Wellington, and I hold in my hands a map showing the allotments, with the names of the owners—some 50 or 60 in number—most of whose rights have been ignored. This plan was drawn by a native of Waikanae, about 70 years old, who lived some 40 years at Waitara. It has been asserted that the natives of the tribe living at Queen Charlotte's Sound have affirmed Teira's title, but from a letter which I will read it will be seen that Ropoama Te Ori is accused of having signed the names of many of those whose signatures were attached to the letter, and that these have since repudiated having affirmed Teira's right.—[Letter read.] [Dr. Featherston here said he wished to refer briefly to one more point, namely, the Proclamation—of what was called martial law. The hon. member for the City of Auckland had alluded to it the other day, and said he thought it was a very grave question. It was not, he (Mr. F.) maintained, merely a declaration of war, but a declaration of war against all the tribes—there and elsewhere—at Taranaki and amongst those tribes acknowledging the allegiance of the Queen. The hon. member then proceeded]: Can it be matter of surprise that the tribes thus declared rebels and enemies should decide upon making common cause with W. King? What must the natives have thought of the declaration contained in the manifesto issued by authority in April, that when the Governor went to Taranaki in March, he had no wish to make war, the declaration of war having been made in February? After such strange proceedings, is it reasonable to expect that the natives should retain the slightest confidence in the justice of the Government? Is it not, on the contrary surprising that the whole native population does not rush to arms? I cannot see what excuse can be made for the Government in thus proclaiming war against natives who had committed no overt act, nor has any excuse yet been attempted. I state very distinctly that I have have consulted those best acquainted with the native language, and that they all declare that the natives could not put any other construction on the Proclamation than that it was a declaration of war. But, sir, while honestly believing that the war is an unjust and unholy war, I cannot but feel that we are placed in a most painful position; for while on the one hand, any retreat or any vacillation in carrying on the war might be most disastrous to both races; it is on the other most revolting to urge that we should go on shedding blood in a cause which we believe to be unjust. I earnestly hope that we may be able to devise some means of bringing the conflict to a close, without compromising the dignity of the Crown, or the safety of both races. I would remind you, that as the natives have not in this House any representatives of their race, we are bound by a sense of justice—by that love of fair play which ever has been, and I trust ever will be, the distinguishing character of our nation—to protect their interests, to mete out equal justice. For my own part I know of no higher duty that can possibly devolve upon this House than to prove to the natives that it is a tribunal to which an appeal for redress will never be made in vain. I can conceive no means so calculated to restore the confidence of the natives in the justice of the Government—which has been so entirely destroyed—as a determination evinces by this House to protect them from acts of injustice, no matter how high the persons by which they are perpetrated;—such, I repeat, is the most sacred duty that can possibly devolve upon this House (applause).

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*Extracted from the "*NEW ZEALANDER*" Newspaper, dated Auckland, August* 11, 1860.

Mr. Stafford; Sir,—Whatever difference of opinion there may be as to the subject of this debate, there can be but one opinion with respect to its character; and as to the manner in which the House has fearlessly proceeded to criticise the justice of what may, in the absence of a better term, be called a civil war, during the very continuance of that war. It was not only highly creditable to the House, but also a sufficient evidence of the fitness of Representative institutions to promote the good government of the people of this country, that they have shewn a determination boldly to investigate the causes of the existing insurrection in order to pronounce a dispassionate judgment with respect to it (hear, hear). The subject of the present debate is, I believe, unprecedented in the annals of the legislature of a dependency; and if the position of the legislature as to this question is unprecedented, that of the Ministry might have been somewhat singular. Sir, with respect to the subject under discussion it might have happened that Ministers might have been placed in the very painful position—for painful it would have been to any Ministry—of altogether disagreeing with the course which the Governor had thought it his duty to take, and in this position they might have been compelled either silently to listen to a condemnation of his Excellency's acts, or, possibly, even actually to protest against them (hear, hear). For such a position the present Ministry would not have been responsible; for it would have been the result of the arrangement made prior to our accession to office. That arrangement was made at the commencement of the first session of the present Parliament. Sir, before any person was entitled to stand up in his place as a responsible Minister—before the house had an explanation of his Excellency's views, an arrangement was made between His Excellency and the hon. member for Christchurch, as to the relations which should subsist between the Governor and Ministers on questions embracing the management of Native Affairs. That arrangement, sir, was acquiesced in by the House. By some members it was approved, by others it was disliked, but by all it was, from one motive or another, accepted as a basis for the future relations between the responsible Ministry and his Excellency in Native matters. For my part, I did not at the time like the arrangement, but I accepted it, from the sole and sincere desire not to embarass the hon. member for Christchurch in his attempt to form a Ministry, which for the first time might administer the Government of the country on the principle of responsibility to the country. By the arrangement of 1856, Ministers were thus placed in the special position as to Native affairs, that while they could offer advice with respect to them that advice might be rejected by the Governor, subject to the ultimate decision of the Secretary of State for the Colonies. It was most incorrect to suppose, as I believe some persons have supposed, that Ministers were debarred from advising the Governor on Native matters; on the contrary, they were not only not so debarred from advising his Excellency, but they were required to advise, both as responsible Ministers, and as members of the Executive Council of New Zealand, which was constituted on a different basis from that of the Responsible Ministry. As members of the Executive Council they were empowered and required under Her Majesty's Royal Commission and Instruc-

tions, to advise his Excellency on all matters. In relation to this subject, sir, I would call the attention of the House to a circumstance which the hon. member who had last spoken appeared to have overlooked, which was this—that at the meeting of the Executive Council which had been referred to, the Commander of the Forces, who was an ex-officio member of the Council, though not responsible to the Colony, was present, and had advised on and concurred in the course taken by the Governor (hear, hear). It was therefore a matter of surprise that an interpretation could be put upon the memorandum of 1856 to the effect that there were some matters on which they were precluded from advising his Excellency. Neither my colleagues, nor I myself, have so construed our position. We have acted, and shall continue to act under the exactly contrary belief that we were both empowered and required by our oaths of office to give advice to his Excellency on all questions whether native or not. I expressly refer to this subject now as a fitting occasion far stating that we consider ourselves not only responsible for advice given on Native questions under ordinary circumstances, but that we are entirely and fully responsible for advising and concurring in the course taken by the Governor as to the Taranaki land question (cheers). The Ministry of the hon. member for Wanganui, which immediately preceded the present one, accepted the relations laid down in the memorandum of March, 1856, and at the time when that Ministry went out of office, and the present Ministry succeeded to them, the House was not disposed, and the Government was not required, to consider the position of Ministers in native questions. At that time the House had not before it any question referring to the Natives, it was interested as to another subject. The present Government came into office in consequence of a distinct vote of want of confidence in the financial policy of the Ministry of the hon. member for Wanganui. What the House and the country required when the present government was formed was a financial policy, and not a policy having reference to the natives. Sir, if the character of the debate is under existing circumstances most creditable, I believe it is equally necessary—indeed it was impossible that it should not have taken place. The debate, however, characterised by the hon. member for the Hutt, was necessary when it was remembered that the House had on the earliest opportunity indicated its intention critically to consider all matters connected with the natives, and felt an anxiety, natural at the present time, to learn the views of the Government with respect to them (hear, hear). Regretting as I do the collapse of the debate on the Address it appeared to the Government to render it necessary that they should take the earliest opportunity of giving the House the information which it seemed so earnestly to desire. So far from objecting to the present discussion the Government was most anxious that its subject, and every question connected with it, should be carefully considered. Exception has been taken to the manner in which the Government had proposed to discuss native questions. It has been suggested that they should be rolled up together and treated in one debate. as one question, at least that Ministers should so treat them. Sir, I think the length of the present debate on only one of the five or six great divisions of the native question proved that to be an utter impossibility (hear). It had been the intention of the Government on the debate in reply to the Address to have referred to three out of these divisions of the whole question which especially required consideration: 1st, Wm. King's right to offer armed resistance to the Crown. 2nd, the policy of the war. 3rdly, the relations on this subject between his Excellency and his responsible advisers. Sir, on this latter subject I have to state emphatically that the Ministry will never shrink from whatever censure might be bestowed upon them for giving advice to his Excellency and concurring in the measures which had led to the present position of affairs; or rather for not abstaining from giving advice—for that seemed to be the opinion—not a very brave opinion certainly—of some hon. members as to the duty of ministers on this question (hear, hear). Sir, in defence of King's right to offer armed resistance they had heard some members make assertions impugning the justice of the war; and the hon. member for the City of Wellington (Dr. Featherstone) impugned also its policy. There were four members in particular who had spoken in opposition to the course taken by his Excellency; the hon. member for the Hutt, the hon. member for the City of Auckland (Mr. Forsaith), who appeared as the special champion of Wm. King; the hon. member for the Wellington Country,—who could not see any difference as to the responsibility of persons in respect of what they had advised or written, and what they had neither advised or seen—and the hon. member for the City of Wellington—who had referred to a fancy map. The character of the speeches of those hon. members resembled the description of four speeches recorded in certain lines as being delivered before a doubting Lord Chancellor of England. The house would see how applicable to the four members were these lines:—

> "Mr. Leech, made a speech,—witty, neat—but wrong.
> Mr. Hart, took the same part—oily, smooth,—and long.
> Mr. Parker made the case darker.—which was dark enough without.
> Mr. Cook spoke from a book.—The Chancellor said—I doubt."

—And so, Sir, do I doubt, and so, I believe, will the House doubt (hear, hear). These members had accused the Government of having gone to war in opposition to a right of King to the land; and an attempt had thus been made to fix upon his Excellency a grave act of injustice. Sir, what the Governor had really done, was to say to Teira, and those who joined with Teira in offering to sell, "in so far as your claim-" to the land is proved to be good, I except your offer." It was never intended to debar the right of any claimant who might have a right from retaining or selling his right. Nor had they been debarred. If hon. members would refer to the "Further Papers" laid on the table on this subject, they would see that a distinct condition appended to the description of the boundary was that all who might have claims within the block might either sell or retain them, as they thought proper. Their claims were thus secured to them (hear, hear). But King had never produced a single proof of ownership in the land, or asserted any proprietary claim whatever to it. No; but what he did do was to declare that those who had rights over it should not exercise those rights (hear, hear). And when his Excellency adhered to his previously announced intention of protecting those rights, King forcibly opposed the peaceable survey of the land. What then becomes of the assertion that the Governor went to war with William King? (Hear, hear.) Sir, the Governor did not go to war with King. King went to war with the Governor. (Loud cheers.) The obstruction offered by King to the peaceable survey of the land was the declaration of war made by King. And the necessary consequence before any further steps were taken by the Governor was the issue of that proclamation of martial law of which an hon. member had attempted to make so much. That proclamation was dated the 25th January; but its terms declared that it should only have operative effect from the day on which it was published. It never would have been published, or seen the light, had it not been for King's resistance to the survey. Even if, as asserted by the hon. member for the city of Auckland, it could be regarded by the natives as being a challenge to fight, it could not have exercised any influence on the native mind till the 23rd of February, the day on which it was published at Taranaki (hear, hear.) The statement made by the hon. member that the proclamation, when transiated into the native language, was a challenge to fight, was a grave charge, but it was

utterly unsupported by any evidence (hear, hear.) The natives of Taranaki had never themselves alluded to it as an excuse for their proceedings. The accuracy of the hon. member's statements as to the defects of the translation into the native language, as also of its effects on the natives now in armed resistance to Her Majesty's authority, is denied by competent persons. I will with the leave of the House read a letter from Mr. Turton, referring both to the manner in which it was translated, and to its effects:—

"Auckland, August 2, 1860.

"SIR,—I wish to apprise you of the circumstance that great objection has been taken by some to the Maori rendering of the proclamation of martial law, published in New Plymouth, on the 23rd of February last, as if it contained a fair challenge to the natives to fight, and that they would feel themselves justified thereby in so doing.

"Although by the same process of re-translation much of the Maori . . . may be made ludicrous or unintelligible, owing to the want of native words to the expression of foreign ideas, yet it strikes me that the objection taken is a very serious one indeed, if it can be shown that the proclamation was so misunderstood by the parties chiefly referred to.

"Hence, on my arrival at Nelson, I referred the matter to the Rev. Mr. Riemanschneider, the missionary of Taranaki, and at New Plymouth to Mr. Parris, and the Rev. Mr. Whiteley, all of whom have been in constant communication with the belligerents, and they each assured me that they did not know of a single case in which a misinterpretation had been quoted by the Natives at present engaged in armed resistance to the Government.

"The written testimony of the last-named gentleman to that effect I beg to enclose, with the single remark, that he was considered by the Natives themselves, to be a good Maori speaker, twenty-five years ago.

"I would also observe, in support of the above, that during the last six months, I have had some little intercourse with the Taranaki, Ngatiruanui and Ngarauru tribes, with the Upper and Lower Wanganui, and thence with the coast Natives, all round to Wairarapa, and also at Ahuriri, but I have not met with a single instance in which that document has been mentioned, much less pleaded as a ground of justification. And therefore I am led to believe that if any uninterested Natives elsewhere have put that forced construction on the translation, it can only have been after having heard the objection started by captious or designing persons.

"I therefore trust, as a matter of fact, that the above will be considered by all as a sufficient practical reply to the objection stated.

"Sir, I have the honour to be,
"Your obedient servant,
"W. W. TURTON.
"Resident Magistrate, visiting Southern
"District."

The Honourable
the Minister for Native Affairs,
Auckland.

"New Plymouth, July 24, 1860.

"The translation of the proclamation of martial law in this Province was shown to me by Mr. Parris, before it was sent to the press, and I approved of it.

"I never heard the Natives refer to that translation as their reason for taking up arms against the Queen's authority; nor do I see that any Native would understand the language of that translation as a challenge to do so.

"JOHN WHITELEY."

Sir, if the proclamation were re-translated into English, it might be made to bear any construction. Many members might remember their attempts in their school or college days to retranslate passages from the dead languages which had been translated into English, and I ask them whether they ever entirely succeeded in producing a composition similar to the classic originals? Had the hon. member for Christchurch ever succeeded in doing so in Latin? or the hon. member for the Bay of Islands in Greek? Sir, the statement as to the effects and the bad translation, was not, singularly enough, first heard where the Natives were in arms, but at Wellington. From that direction rumours, since the war commenced, and assertions impugning its justice, had first fallen on our ears; amongst others, one to the effect that Teira's father, Tamati Raru, was fighting on King's side. The fact being that Tamati Raru had assisted to cut the boundary lines for the surveyor of the very block in dispute (hear, hear.) Tamati Raru's only objection to the proceedings of the Government had been that they had not at once given him a gun to enable him to fight on the Government side. They had received letters from him—not declaring that the land should not be sold—not desiring that the survey should be stopped, or the military occupation of the land abandoned—but asking for a gun to fight for them (hear, hear.) Some hon. members, sir, have attempted to enlist the sympathy of the House in behalf of Wm. King, as a mild and oppressed individual. One of the admirers of this mild and oppressed individual—the hon. member for the city of Auckland—made grave charges against the officers of the Land Purchase Department. The hon. member compared them to irritating sandflies—"Namu" was the word he used, and the Chief Commissioner was declared to be a big "Namu." It is a very easy matter to call names, or to attack a Department not represented in this House. I believe, sir, that the hon. member once belonged to a department. —[Mr. Forsaith: I never belonged to that department, though I was offered an appointment in it, but I was in the Native Protectorate]—If the hon. member had not interrupted me before he knew what I was going to say, he would have learnt that I was about to refer to the Protectorate Department. Sir, a very celebrated traveller—Gulliver—describes a very high class of men as existing in one of the places he visited. persons, sir, of such high caste as always to be attended by "flappers" for the purposes of bringing their minds occasionally down to the level of sublunary things. These persons, sir, were called "Grilgrigs," and the author tells us that the nearest translation of the word in English was "big-bug" (laughter). Sir, I am not going to say anything against the Protectorate; but as an old colonist in New Zealand, I could not, when I heard the hon. member term the Chief Commissioner a "Namu," help recollecting the hon. member's own connexion with the Protectorate, and the universal feeling of relief which was experienced when it was abolished (hear, hear.) Sir, the people possibly thought that it was a "grilgrig," just as the hon. gentleman thinks the Chief Land Purchase Commissioner an irritating "namu." If there was a single man in New Zealand, who had a knowledge of the opinions and character of the Natives, or who had any influence among them, it was the Chief Commissioner, Mr. McLean (hear, hear.) And sir, if one thing more than another entitled Mr. McLean to the gratitude of the country, it was his conduct at the recent Conference of Chiefs at Kohiramarama, where he had succeeded in convincing a very large majority of them of the honesty of the intentions of the Government (hear, hear.) It was well known that injurious reports had been circulated widely amongst the natives, as to the intentions and policy of the Government with respect to them. To the prevalence of these reports, and the consequent misconception in the Native mind of the intentions of the Government, is to be attributed in a great degree the feelings which prompted many of the Natives to sympathize with or support Wm. King. Sir, the question of the justice of the present war does not depend upon whether Teira and his party had a right to sell 600 acres or one acre—but whether Wm. King had a right to offer armed resistance to the survey. I cannot sympathise with those who might defend the armed resistance of Wm. King, or with those who attempt to make a case for him, by representing as a "meek mild" man—this man so prone

to bluster and fight (hear, hear.) Why, whilst defending King did they not also justify those others who also had come out to fight, the Ngatiruanui and the Taranaki natives ? who, without any possible claims to the land in question, had taken up arms simultaneously with King ; and had murdered, in cold blood, those with whom they had a daily friendly intercourse, and have since continued in the work of spoliation, plunder and death (hear, hear.) When the conduct of the Ngatiruanui natives was considered, it must be evident that some other motives were at work than a claim to ownership in a particular spot of land (hear, hear). If Wm. King had possessed a claim to any portion of the block of land in question, it was secured by the document referred to, which King knew well, as it was read to him on the 29th of November last, when the first instalment had been paid. But from first to last the opposition of King was not that of a proprietor, but of a supporter of the Anti-Land-selling League (hear, hear). The letters from King himself to Archdeacon Hadfield which had been produced (in a most strange and, indeed, startling manner) asserted nothing more than was done by the letter from King, which was published in the "Papers" on this subject now before the House. With respect to the figurative term of "bed-room" in that letter as applied to the whole Waitara district, I heard with some surprise, the hon. member for the Bay of Islands refer to it as an assertion of a proprietary right on the part of King. I should have thought a more accurate solution of that phrase would have presented itself to a mind so analytical as that of the hon. member's. King in that letter says the Waitara is "the bed-room of all of us," but he does not say it was his bed which the Government was trying to take. There might be a common right to a bed-room, but not a right to take each separate bed in it (hear, hear). The hon. member for Dunedin Country had spoken on this question of King's right with a distinct lucidness which impressed itself on the House. No one, sir, could have thrown more light on the subject, or have more clearly proved the impropriety of the position assumed by King. The question also of King's Tribal right, and King's *mana* were also disposed of by the hon. member for Wallace Country, in a most able and exhaustive manner. That gentleman (Mr. Bell) who possessed such an intimate acquaintance with the Taraniki land question, and who had been a successful negotiator for the cession of native title in that district, could discover no claim for King in this case any sounder than the rotten one which he had once before asserted to the Bell Block. I repeat, sir, Kings's claim is that of the Land-league. His own letters state this, "according to me the boundary for the Pakehas is settled, it is Waitaha." King does not limit his right to the land now in question, or to that on which he is living, but he distinctly settles—in so far as he was concerned—the boundary of the Pakehas, at the boundary limiting the Bell Block—as if he said, "you Pakehas shall remain just where you are." Well, sir, if King's conduct was that of the consistent Land-league, instead of one who had a claim of ownership, how did his conduct justify the statement made by the hon. member (Mr. Forsaith) that he was an oppressed, but most meek and mild mannered man. This "mild mannered man," who like an old piratical acquaintance (Lambro) "was the mildest mannered man who ever scuttled a ship, or cut a throat," did he mildly meet the Governor to discuss the question when requested by his Excellency to do so ? No—but he sent his fighting men to fight with Her Majesty's Representative and Her Majesty's troops. I shall now refer to the letters which have been brought before the House in the attempt to assert for William King a title to the land. Sir, there is no claim made out in these letters. I wish I could stop here, but it is impossible to omit reference to the manner in which the House has been put in possession of them. I will do the gentleman who produced them in this House the justice to believe that if such letters had been received by him they would not have been in his possession six hours before he would have laid them before his Excellency. What appeared to make the production of those letters the more proper was that the gentleman who had first received them months ago was a person upon whom—in consequence of his promise to do so—his Excellency had depended upon keeping him informed as to the opinions of natives. I will read a letter to his Excellency from the gentleman referred to, which gave that promise which has altogether misled his Excellency. This letter was written after the Governor had visited Taranaki and made the public declaration as to Teira's offer, which had been published in the papers. His Excellency subsequently visited Otaki in May, had an interview with the writer, Archdeacon Hadfield, in which native matters were discussed. It was after this interview that the following letter was written :—

"Otaki, September 8, 1859.

"SIR,—I feel very much obliged for your early reply to my note ; and shall wait for the further information you promise me.

"With reference to the feeling and intentions of the natives of this part of the country, as I have always the means of becoming accurately acquainted with them, I will not fail to communicate to you anything which I may think desirable you should know."

—That was all that bore on this subject, the remainder of the letter opened up other questions (Read, read). I will at the request of hon. members read the remainder :—

"The report as to any disturbance at Wairarapa was so utterly groundless that I can only express my surprise that any official communication should have been made to run on the subject. It originated, I believe, in a wish to produce alarm and obtain soldiers for Wellington.

"As far as my own work is concerned, I never knew the natives in my district—from Wellington to Rangitikei, in a better state of mind, or more attentive and desirous of instruction and improvement. But I discover a slight feeling of discontent towards the Government which did not exist eighteen months ago before I went to England. This has, I believe, been produced chiefly to Wiremu Tako—a man of considerable ability, but whom I have never liked or trusted —who being well-informed has endeavoured to accumulate every grievance he can hear of, and by presenting them in one view to draw a conclusion unfavourable to the Government. If I should find this feeling increase, instead of decreasing, which I believe to be the case, I will let you know.

"Yours, &c.,

"OCTAVIUS HADFIELD."

His Excellency the Governor,
&c., &c.

—I will also read a note giving permission to use the private note which I have just read.

"Auckland, August 4th, 1860.

"SIR.—In reply to your letter of this day's date, I beg to say that his Excellency the Governor is at liberty to make any use he may think proper of my letter to which you refer. I shall feel myself at liberty to use any correspondence in my possession with the same date. "I have, &c.,

"OCTAVIUS HADFIELD.

"F. G. Steward, Esq., Private Secretary."

—Sir, if the letters from King to Mr. Hadfield were not deemed important when they were first received, the moment they appeared to have become so, they should have been placed in the hands of the person who was above all others responsible for the peace of the country. They should have been shown to the Governor first, and before any, if it had been only six hours before the House met (hear), I will make no further comment upon the transaction, but will adhere to the unchanged opinion which I formed when I first heard these letters read (hear, hear). The member for the Hutt (Mr. Fitzherbert) in his witty, "but wrong," utterly wrong, speech, declared that the House was treating the Government with an amount of forbearance which approached to a species of

Asiatic slavery (laughter). The Ministry had not asked, and were not going to ask forbearance, although they could recognize and appreciate it, if it were shown. I will thank the hon. member for the Bay of Islands for the statement that he would merge for the present those private or personal grievances which he supposed he had against the Ministry—[MR. CARLETON. No, public grievances.]—well, public grievances if the hon. gentleman believed in his zeal for the public that he had them, although I am quite unconscious what they may be. The Ministry asked for no forbearance for themselves, though they could be properly grateful for any which they might receive. But if the House could be got to show forbearance, I would ask them to exercise it towards the Governor (hear, hear). The Governor did claim consideration from them if one person in New Zealand did. I have had many opportunities of knowing his Excellency. I have not concurred in all his opinions nor in all his acts; but I will say this—that I have never once faltered or doubted in my conviction of the entire honesty of his motives (cheers). Sir, Her Majesty and the British nation never had a more upright representative than Governor Gore Browne (loud cheers). One desire, conscientiously to do his duty, governed all his actions. No greater proof of this could have been afforded than his conduct as to the Taranaki question (hear, hear). Had he not been an honest man nothing could have been simpler than to have smothered over and patched up this question. He might have avoided any delaration of policy, or failed to act up to it when opposed by a contumacious native. He might have really degraded the dignity of the Crown in the native mind, but he might not have gone to war; he might have left that for his successor, and left the colony with the character at home of having held a most peaceful reign, of being a "model Governor;" but he preferred to do his duty (loud cheers). In other and in all respects his entering actively and with zeal on all matters relating to the natives were beyond question. The objection that he did not know their language might be met by the statement that he took every means to learn their opinions and wishes. One of his Excellency's first acts on his arrival was to address letters to men of all professions inviting information on native questions. A great deal of this information had been forwarded to the Assembly, so as to invite further remark and criticism. This correspondence was maintained to the present day, and occupied the great part of the Governor's time. It was most incorrect to suppose that his Excellency relied on the Native Department only, for his opinion on native matters, or even for his knowledge of facts; he did not do so, though he very properly consulted them. Amongst the papers on native subjects on the table of the House, members would observe documents from persons wholly unconnected with the Native Department. Sir, I have heard during this debate gentlemen expressing different opinions in different ways, and I will specially refer now to the speech of the hon. member for the Hutt, who gave vent to expressions in reference to my hon. colleague (Mr. Richmond) such as I have never before heard in this House (hear, hear). When the peculiar position of Mr. Richmond in relation to the subject of this debate, as one of the most united group of colonists who ever embarked their fortunes in New Zealand is remembered. When we consider that their homes are now desolate, their prospects for the present ruined, for the future clouded in darkness; and when, above all, we call to mind the known sincerity of character of my hon. friend, I think, Sir, we can comprehend the nature of that emotion which he exhibited on one occasion. And when as to that emotion the hon. member (Mr. Fitzherbert) applied the term "crocodile's tears," he used words, Sir, which will not be forgotten. In conclusion I will venture to tender my thanks to the hon. member for Omata for his most unexpected promise of support. Sir, whatever may be the issue of the present war—whatever may be the judgment of this House or of the Country as to our conduct in reference to it, we shall indeed have one abiding consolation in the knowledge that, with respect to it, we have received the approval and support of those who were directly, and personally, and vitally affected by it (loud cheers).

Mr Brown: Sir, I claim to be heard in explanation of the inference drawn by the hon. Minister at the head of the Government, from the passage which he has just read from a letter of Archdeacon Hadfield's, an inference which it was never intended to bear. The hon. Minister has said that Mr. Hadfield promised to keep his Excellency informed of what was passing amongst the Maories. Where? Not in all New Zealand, *but in his own district*, from which Taranaki is 200 miles distant. By permission of Mr. Speaker, I will read a passage of a letter from the Bishop of Wellington to his Excellency, which I am authorized by Archdeacon Hadfield, and through him by the Bishop, to make use of. This passage will shew that his Excellency, three or four months ago, was at least aware of the fact that Archdeacon Hadfield had in his possession a letter from W. Kingi which he had considered of sufficient importance to speak to his Bishop about. [The hon. member then read the passage thus alluded to.]

The *Native Minister* said: Sir, I listened with great surprise to the speech of the hon. member for the City of Wellington, coming, as it did, from one of a party not hitherto very forward in the advocacy of the interests of the aborigines. When I found the hon. member doing battle for the most extreme views of Native Territorial Rights, and declaring that the Governor had broken the Treaty of Waitangi, I was, I confess, surprised and amused. Many of us, I am sure, must have been exclaiming to ourselves with wonder, "Is Saul also among the prophets!" Sir, it is clear that the General Assembly will now be a stricter protector of the rights of the Maori than ever was the department to which the hon. member for the City of Auckland once belonged. Sir, the letters read by the hon. member bear very significant dates. They are dated from Otaki and Waikanae—a locality which, I regret to say, cannot be considered as a centre of peace and loyalty in New Zealand. It seems then that since the Governor took the decisive step of ordering the survey, the hon. member as Superintendent of Wellington, has been not very profitably occupying himself in stirring up the dregs of the Ngatiawa land claims. This was a somewhat invidious occupation, it must be confessed. No doubt the hon. member was constrained to adopt it by an imperious sense of public duty. The letters are, I see, addressed to the "Huperintenete." He is now no longer at Otaki the "Hickapene Kawana," but His Honor the Superintendent. Riwai Te Ahu, one of the writers, is well known to the Land Purchase Office as a small and very greedy claimant. He has some small pieces near Waingona, but certainly none in the block. Now you will observe that his letter recognises Teira's claims, but says that there are others left out;—the claim is made, in what appears to be a standing formula, on behalf of "the widow and the orphan." There are other names of alleged claimants, though I do not believe in the validity of these claims, yet, granting them to exist, they are provided for by the Government. There is nothing to prevent the claimants from coming in and taking their own. I believe that only one claim of primary importance can by possibility be outstanding—that of Te Patukakariki, and there is no sort of certainty as to his position. Riwai says that Te Patukakariki and several other Natives jumped up at the meeting in March 1859, and opposed Te Teira. This is absolutely false. I was there myself, and positively confirm the statements of Mr. Parris's report. Kakariki said not a word against Teira, but when Piripi stood up he began to run backwards and forwards, like a pent-up wild beast. Is it credible that if there had been an influential opposition by substantial claimants, that the Chief Commissioner would have advised Teira's offer to be entertained? [*Mr.*

Forsaith: Where's the Patu now? *Mr. Richmond:* He is now, I believe, with King.] Then the hon. member stated that King's answers to Mr. Parris when the money was paid did not amount to an abnegation of title to the block. I cannot argue this point; but I do not believe there is anything in it. The answers were considered conclusive against King by the Rev. Mr. Whiteley, who was present, and who is known to be one of the oldest Missionaries in the country, and master of the language. Then Riwai repeats the ridiculous falsehoods about Raru—that he opposed the sale, &c., &c. I am sorry the hon. member for Wanganui should have taken up this tale and should have thought proper to give to it a credit equal to that which he attached to the official statements of the Governor. The speech which the hon. member in his candid letter puts into the mouth of William King was certainly never got from King. Even King would not have tried such a barefaced falsehood. It was no more King's speech than the speeches of the great characters in Livy or Sallust belong to the persons in whose mouths the historian puts fancy sentiments. I must fix the hon. member with the assertion, and not let him father it on King. A number of absentee claims are said to have been raked up; again I say, they are saved if they exist; but absentee claims have never been considered to rank with those of the residents; they have never been allowed to veto sales by residents; they are entitled (if real) to compensation, and no more. And now, as to all these allegations, suddenly brought forward, I shall give this general answer:—that I cannot be expected to rise in this House and instantly refute any member who chooses to state that somebody has got a claim, I do not pretend to do so; it is not my business. The Ministry have not been backward to take their full share of the responsibility of the present war, but the House must understand that, as regards the fact of the extinguishment of Native Title, Ministers are bound to take the report of the officers of the Land Purchase Department—whose appointment and dismissal they do not control either in theory or in practice. The advice Ministers have tendered to the Governor was of necessity based upon the authority of the reports of the officers of the department. I do happen to know, however, as I have already told the house, that parts of the statements in those letters are absolutely untrue, and I draw my own conclusion that the rest is equally untrustworthy; and I put it to the House, whether statements such as those contained in the letters suddenly produced, made by persons perfectly unknown to the House, and violently prejudiced against the Governor, ought for one moment to shake their confidence in the trustworthiness of the reports of the officers of Government. I have heard from more than one officer of the Land Purchase Department, that one might go all over New Zealand and not find so good a claim. The Chief Commissioner I know, says, that the more we look at it the better we shall be satisfied with it. I shall not follow the member for Wellington into his disquisition upon *mana*. It was altogether too vague and general to have the least value. A real light was thrown on the subject by the hon. member for Wallace County when he cited the maxim, Turanga, tangati iti. The truth is, *mana* is a local affair; and as in Turangu, so in Taranaki, they are all little men—[*Mr. Bell: riti*, equal]—I thank the hon. member for the correction; the principle is the same; it is Wi Kingi's attempts to set a wider *mana*—a new tribal right and influence—which has convulsed the district, and ranged against him Ihaia, Mahau, and the rest. The Governor has no new policy in this matter; he will recognise all just rights of the Chiefs; he will not encourage the common men of the tribe to jump up, and offer land in defiance of their rightful and acknowledged chief. It is Kingi who is the innovator—whose power, upheld by violence, had increased, was increasing, and ought to be diminished. It was against an usurpation of this description, amounting to the erection of a petty sovereignty that my hon. colleague declared in his Nelson address which has been referred to—and not against the rightful and inherited influence of the Chief. Sir, the three letters of Wi Kingi produced by the member for the City of Auckland really confirmed our case. They shewed that King had no claim to make even in private. He was a cunning fellow and knew who he was writing to. But that touch about the widow and orphan was almost overdone. Then the hon. member for the City asked the House to enter with him that lowly whare, and amidst the gurgle of the death rattle, &c., &c., to hear old Rereta tell Kingi to hold fast Waitara. Well, I have no objection to enter with the hon. member, and don't complain if the old chief merely told his son to keep what was his own. With Manukorihi he might have ancestral associations. But if Rereta really ment that Kingi was to play the tyrant, and by force and bloodshed prevent others from dealing with their own—that he was to provoke a series of artrocities unparalleled in the history of New Zealand as a Colony, and make a hell upon earth of the fairest of its districts—then, though I may make allowance for the truculent old savage, I shall certainly follow the hon. member out of the whare with perfectly dry eyes. Much was made by the member for the City of Wi Kingi's loyalty. He gave a biographical sketch of Kingi's life, but he stopped short at 1847. He said nothing of Kingi's defiance of Governor Grey—nothing of his attitude in Taranaki where he has been the evil genius of the place. Moreover, of the early transactions for which so much credit is claimed for Kingi he gave a very loose account. Considering the recent hostility of Ngatiraukawa and Ngatiawa it was not wonderful that King joined against Rangihaeata, but it was notoriously through King that that Chief slipped through to Poroutawao. Kingi refused to pursue. Any one may see from the Reports of Durie and Servantes in the Blue Book how inefficient aad backward an ally he was. The fact is that Kingi was too good a politician to desire to destroy the balance of power. He was not sorry to see Rangihaeata humbled, but did not want more. He joined the Governor for his own ends. The men of the 65th declare that the Ngatiawa fired blank cartridge at the enemy. This must have been the Ngatiawa of Port Nicholson, for I don't know that King's people fired a shot.—[*Mr. Carleton.* The Ngatitoa fired blank cartridge not the Ngatiawa.] The New Plymouth tale is that King has kept in hand the ball cartridge with which he was supplied at that time for other uses in Taranaki. On several points the hon. member displayed his ignorance, ignorance on points of the history and topography of the settlement, which are necessary to a true opinion on the case. This ignorance led him to miss the important declaration that "according to me Waitaha is to be the pakeha's "boundary," which as I have already shewn is the land-league boundary. Then came the monstrous falsehood of King's about Mr. Parris's joy at Katatore's death, when every one acquainted with the facts knew that after Katatore's death Parris did not hold up his head for weeks. Then there was that terrible curse—[*Mr. Forsaith.*—I did not say "curse" but "insulting expression."]—Well, that gross insult "naku koe i ora ai." I mentioned this to the Chief Commissioner without informing him of the way in which it was interpreted by the member for Omata. Mr. McLean at once suggested the explanation already given to the House. But the hon. member for the city for want of local knowledge, fell into the trap laid by the wily friend of the widow and the orphan. These letters, especially the gross falsehood about Parris's joy at the death of Katatore, proves King's deceitfulness. They also prove the ignorance of the hon. member who acted on the present occasion as Kingi's counsel. And here I must compliment the hon. member on the skill he displayed as an advocate. I mean no irony. He really did the thing very well. He was a most skilful pleader. But he got up his briefs in too great a hurry, and it must be admitted he was not fortunate in his clients. There was generally a shade on their characters. The house will recollect

that Berlowitz was a client of the hon. member's and that it turned out that Berlowitz was propping his case with documents that had been tampered with. Berlowitz and William King were indeed a very pretty pair. The hon. member for the Hutt is certainly a great artist in his own walk, and I wish it were a higher one, more worthy of the hon. member's parts. He is not guilty of too much formal argument. But when he desires to make an impression he starts with a good strong assertion and rams it down with iteration. That was the way he tried to persuade the House that a *primâ facie* case was made for William King. He is indeed a cunning artist—tempting the House from the true issue with broken flights of humour, as the lapwing tempts intruders from her nest. I pass to those singular revelations made by Kingi's letters to Archdeacon Hadfield. I should like to see the whole of that correspondence. What, I wonder, was that kupu maramatanga from Otaki which gladdened the heart of King? A word of enlightenment. Was it a light from Heaven, I wonder?—or not rather a poisonous misleading vapour, bred in the stagnation of a mind too active for its proper duties. Can it be that this points to a secret counteraction of his Excellency's policy—to a repetition in 1859 of the advice given 20 years before to old Waitara—that whilst the agents of the Government were doing their utmost to bring King to reason, there was some one in the background whispering to him to hold on? (Hear, hear.) A strange phrase in the Archdeacon's letter published in to-day's papers, seems to countenance such a conjecture. The Archdeacon writes—"I did what I considered more "likely to uphold the dignity of the Governor and "my confidence in him: I wrote to William King "that his forcible ejection from his land was absolutely "impossible." Sir, we shall, I fear, never get to the bottom of this matter. If such advice has been really given, then, I say, upon the man who gave it rest, I believe, the blood and misery of the present war. One thing at least, respecting these letters is certain. They have fortified our case against King, and by a signal piece of retribution "the engineer is hoist with "his own petard." (The hon. member resumed his seat amid loud applause.)

Leave was then given to bring in the Bill, which was read a first time, ordered to be printed, and the second reading made an order of the day for Friday.

TARANAKI WAR.

*Extracted from the "*NEW ZEALANDER*" Newspaper, dated Auckland, August* 11, 1860.

Mr. Carleton, in moving his motion for a committee of inquiry into the causes which have led to the Taranaki war, said he had doubted whether this was a case which a private member should take up; but, after mature deliberation, he had come to the conclusion that this was a matter in which the Government could not well take the initiative. The motion had been described by the member for the Waimea (Dr. Monro) as an indirect censure on the Government, and (we understood) it might in one sense be so regarded. But at one time he (Mr. C.), like Ministers, had thought there were just grounds for this war being entered upon; and he had arrived at that conclusion on the same data as Ministers. He had since seen reason to change his opinion; and if he thought it no shame to retrace his steps, they need feel no shame to retrace theirs. (Ironical cheers.) He could assure the house he was anxious to see Governor Browne succeed where Governor Grey had failed (hear), and would be glad to see his Excellency put in a position to pursue the war with vigour. He could not see that this inquiry would cause any embarrassment to Ministers. They said they would not oppose the motion—[*Mr. Richmond:* We will not oppose inquiry],—indeed, if they were confident of the strength of their position, they need not be afraid of investigation—they would, in fact, be gainers by it. They told him they would leave him to work his way with the House as he could. Being thus relieved from their opposition, he was relieved from going into detail at such length as he otherwise should have done; still he must show his case. The debates that had taken place had proved the necessity for this inquiry; but no answer had yet been given to the doubts that had arisen as to the justice of the war. The Government case had completely broken down; the papers furnished by them swarmed with errors ("hear!" from the Treasury benches). [Here the hon. member selected some passages from the Governor's manifesto in reference to the Waitara land—the migrations of the Ngatiawa, the conquest of the territory by the Waikatos, the cession of title to it by Te Whero Whero, the return of W. King, &c.; some of which he believed to be incorrect, and others he declared to be absolutely untrue. The hon. member's statements, however, were challenged by Ministers.] Some of these inaccuracies would, perhaps, not be thought of much importance among ourselves; but they would by the natives, who regarded such a document as coming from the Queen. He had always thought the Government ought to have interfered to put a stop to the intestine quarrels of the natives; and he had seen Government put in a most humiliating position from not doing so. He had known two tribes to be fighting—the one loyal, the other turbulent; the loyal tribe had sent up to Government, saying, "We "have not broken your laws, we have not smuggled "arms; will you let us be crushed?"; they were left to their fate; but surely the least that could have been said was "Arm yourselves;" and this perhaps have been the strongest argument that could be urged in favour of the relaxation of the Arms Ordinance. He admitted it would be worth anything to obtain the power of interference. The fault was in choosing land as the ground of quarrel—land being that on which the native mind was the most sensitive of all. The influence of the Native Department had been destroyed by its interference with the purchase of land; and the Governor had also lost influence among the natives through becoming, as it were, a large land-broker. He (Mr. Carleton) would rather have seen, say, a case of murder selected as one on which to assert our right of interference: if the law were set at defiance, then to have sent a strong force to drag the murderer from his fastness. That would be a species of interference which the natives would have respected, and it would have occasioned a far more salutary influence over them than by making a paltry piece of land a cause of quarrel. [The hon. member here proceeded to question the accuracy of the statement in the native minister's memorandum that William King obtained permission to build his pah on the disputed block: he had already land enough on the south side of the river to have built pahs large enough for himself and all his tribe; and all he had asked was liberty to encroach a little further, so as to obtain a more favourable site; and he (Mr. Carleton) appealed to Mr. Forsaith whether, according to Maori usage, cultivation only would not have made that land his own.] When the house had before it such loose statements as were contained in the Ministerial papers, what could be said but that there was ample ground for inquiry. He wished now to show the object of this inquiry. A feeling seemed to be growing in this House that, whether right or wrong, we must go on with the war till we had put down the insurgents: some members seemed to think we might go back. He did not. He had something of the old cavalier spirit in his blood, and even though a quarrel should be over a bone he would fight it out, and when he had

beaten, then he would give up the bone. The land was the bone in this case: we must force the insurgents to lay down their arms and then do them justice. The quarrel was no longer confined to Taranaki: we had lost the confidence of three-fourths of the natives—all over the island, the natives were suspecting that we meant to take their land from them by force. He had called the land in dispute "a bone:" he trusted the Taranaki members would understand that no one felt more deeply than he did for their unfortunate position—not merely their present position, but that which had been their lot for years past: unable to push forward the work of settlement—cabin'd, cribb'd, confined for want of more land. What he objected to was making land a cause of war with the natives. He hoped the time had not yet gone by for placing ourselves *recti curiæ*. It was all very well for those outside the House to rant about "putting down the "natives:" it was a very different thing for those inside the House, who exercised so large a share of the government of the Colony, to talk in the same hasty and inconsiderate manner. W. King's letter to the Governor completely cut away the plea that he had no right to this land at the Waitara; that letter was the letter of a perfectly sincere man; as a composition it was one of exceeding eloquence and force, and whoever had translated it had rendered it into admirable English. [Here the hon. member read the translation.] Was that the letter of a turbulent man? If he had not felt that he really had the claim the asserted he would never have taken the stand he had done; it was not in Maori nature. [Here, by way of contrast, the hon. member read Teira's letter to the Governor, urging the completion of the purchase, and speaking of the land as "this beautiful woman," whose marriage was to be consummated by the purchase.] The honourable member then read a number of other points on every one of which he had meant to have spoken, but now should not. He asserted that the survey itself was regarded by Maories as taking possession of the land, and described how old settlers used to smooth down refractory owners by a cask, or even a few figs of tobacco. He wanted to know whether King's letter to the Governor had been answered; and with regard to the respective ranks of King and Teira, he said that, notwithstanding the pedigrees put forth, he thought that he could show that King was a chief of a very high rank, while Teira was nobody. Clergymen who had endeavoured to obtain land for a mission station had invariably been referred to W. King, as the principal chief of the district. With respect to the phrase "the law of fighting" in the proclamation of martial law, they had heard the opinion of Mr. Turton read. He (Mr. C.) had obtained the opinion of the best Maori scholars in the country, and that opinion confirmed the view of the member for the city (Mr. Forsaith). By some means or other he would have the truth out—("Hear, hear!"). Government had said they would not oppose inquiry; they ought to do something more—they ought actively to support it. He had asked no one to second his motion; he trusted that would be done from the Treasury benches; it would be a proof of their desire for inquiry, and that the whole House had gone into the investigation with singleness of purpose—(Hear, hear, and a laugh).

[As on former occasions, we had intended to have allowed the hon. member to be his own reporter, by extracting his speech from his own paper; but as he has ignored the whole of Tuesday's proceedings, in the *Southern Cross* of Friday, we are compelled to fall back upon our topical notes of the course of his remarks.—ED. *N.Z.*]

Mr. Fox seconded the motion *pro formâ*, reserving any remarks he might wish afterwards to make.

Mr. Moorhouse rose to oppose the motion on the ground that the end proposed by it was impossible of attainment. The honourable mover had likened the intended committee to a jury; its report was to be a verdict, and he hoped that Government whose proceedings were to be inquired into might have the benefit of any doubt, and that the verdict in case of such doubt should be, not guilty. The honourable mover had rested his application for a Select Committee upon the alleged fact, that there existed no evidence in support of the justice of the war. It was true that there had been adduc ed none of what, in court of law would be held first class evidence; and it is true, also, that none but very secondary evidence had been adduced in favour of opinions held by hon. members who deny the justice and the expediency of the commencement of the war. For his part, he had no faith in the power of the proposed Committee to throw more light on the matter, unless they were empowered to send commissioners down to take the evidence of those who alone could give first class evidence—(Hear). If he were a member of such a committee, he should at once move that the committee should resolve itself into a peripatetic commision (hear), and start off in search of the hundreds of savages, whose evidence alone was held to be entitled to credit, and who were, according to all accounts, resident in Queen Charlotte's Sound, Wanganui, and every crevice of the Colony (hear). The honourable mover had, in the course of his speech, stated how serious a matter if was to sit here and quietly vote away men's blood. It was a serious thing. The honourable mover had movingly appealed to a sense of responsibility, which he, in common with other hon. members entertained in the most solemn and careful temper. War was indeed a dreadful process. In the present juncture, however, he quite acquitted Government of precipitancy in the commencement, and he believed it to be the truest mercy to recommend and urge a vigorous prosecution of it, until a decided and dignified peace wes practicable. Weakness in war and vacilating council were of all things most despised by the Maori (hear). The Maori has chosen to fight, and we must accept the issue, and beat them in order to recover the military prestige we have lost in their estimation. It will be remembered how contemptuously Ranparaha regarded what he considered the womanish weakness of a Governor who failed to insist on the forfeiture of Rangihaeata's in the Wairau as payment of the murders of Captain Wakefield and his party. The Maori was closely watching our deliberations, and hon. members could easily understand how damaging in the Native mind would be a want of decision in our war councils. They should go on and conquer the belligerent natives, and have nothing to say to any motion like the present until they shall have completely prostrated the rebellion (hear).

Mr. R. Graham would also oppose the motion. The mover had not pointed out what he expected to result from it; whether it was to recommend that the land should be given up to King, or what. If that were to be the case, he (Mr. G.) would be a rebel. (Laughter.) The Government had taken fifty acres from him, which were now very valuable. Besides this, such an inquiry would be to confess our weakness in the eyes of the Maories, who would say, "See, the Pakehas "themselves say they are in the wrong." What he wanted was, that Government should come down with a policy that should have the effect of putting down the King momement, as well as putting a stop to the Taranaki war, and which should initiate an altogether new system of acquiring land from the Natives (hear), so that no more disputes should arise such as that now existing in Taranaki. (Hear.)

Mr. Sewell said: He should give his vote without hesitation against the motion for the appointment of a committee of inquiry. The result of any such inquiry would be fruitless. If appointed at all, it ought, on a subject of such importance, to be appointed by ballot; or rather, he should prefer a committee of the whole House. The scope of inquiry proposed was far too wide. It involved, not merely the particular circumstances which were the immediate causes of the war, but the whole antecedent history of the Colony. But in truth he thought the proposed inquiry altogether objectionable. If confined to the mere question of title between the conflicting native claimants, it would be absurd to refer such a question to inquiry by this House. For his own part he would not presume to determine such a question; but he saw clearly enough

certain broad features of the case, about which there could be no doubt. The claim of the native sellers had been investigated in the usual way, through the proper officers of the Government, and there seemed no ground for impugning their proceedings. They had decided the question of title, as was always done in similar cases, and he (Mr. Sewell) was satisfied to accept their authority. He dismissed the attempt to cast a slur upon the Commissioner. Something had been said as to the Native Land Purchase Commissioner not being a competent tribunal to try such a question. All he (Mr. Sewell) would say was, that from the earliest period of the Colony tribunals or courts of this nature had been the ordinary mode of investigating and determining questions of the kind. He reminded the House that those officers were distinctly recognized by the statute law of the Colony. The Native Reserves Act, 1856, treated them as persons authorized finally to hear and determine these cases. As to any supposed jurisdiction of the Supreme Court, that was out of the question. It was clear that the Supreme Court had no jurisdiction over questions of Native Title. In an Act passed last session (the Native Territorial Rights Act) though disallowed by the Crown, the Legislature distinctly declared that the Supreme Court had no such jurisdiction. But had Wm. King any solid ground of complaint on the score of refusal to hear him? It was impossible to say that he had; on the contrary, his claim had been treated with consideration and forbearance. The Governor himself, in person, went to Taranaki, and before a shot was fired, invited him to come to him in order that he might hear him. Had he then come in a peaceful manner, and represented his supposed wrongs, it is impossible to doubt but that the Governor would have listened to and have done him justice. On the contrary, he had treated the Governor with insolent defiance, refused to come to him, retired to his fortified pah, and prepared himself with arms to resist the Queen's authority. What course could have been taken but to maintain the supremacy of the Crown? If, then, the *casus belli* were a just one, in his (Mr. Sewell's) opinion the war was a politic one. It would have been in the highest degree impolitic to have betrayed weakness under such circumstances. That question, however, might be discussed, and probably would be on the occasion of Government bringing in their promised Bill of Indemnity for proclaiming martial law. He had said that in his opinion the House was quite incompetent to decide the question of conflicting title between the native claimants. However, so far as he had been able, he had formed his judgment as to the nature of the case set up on the part of William King; and so far as he could see, his claims were groundless. Was his claim a claim to particular parcels included within the disputed block? If so, they were distinctly reserved to him by the terms of sale, which in this as in all other cases, provided for the possible existence of small unsatisfied claimants. Let him go to the Government and claim his own portions of land, and they will no doubt be given to him, or an equivalent. That could not justify his present proceedings. Or was his claim that of chieftainship? He was, he (Mr. Sewell) believed, the undisputed chief of the large Ngatiawa tribe. (Cries of "No, no.") Well, so he had been informed; and the claim made on his behalf by the hon. member for Wellington rested partly on that ground. Well, if so, that title extended to all the lands of the Ngatiawa tribe. But in fact, they found that on purchases of land of other branches of the Ngatiawa tribe (the case of the Bell Block in particular) his claim had been ignored and repudiated. The hon. gentleman the member for Wellington (Dr. Featherston) argued that acquiescence in that repudiation of his claim to the Bell Block did not invalidate his title. He (Mr. Sewell) however, must say that it became a cogent argument against any such pretence of title now set up in a similar case. Indeed it was clear from the letters produced, that William King's interference was grounded—not on a claim of ownership, but on an asserted authority. But if this motion were meant as hostile to the Government—(Cries of "No, no," from Mr. Carleton). He (Mr. Sewell) saw no case made for imputing blame to them. If such were its aim it ought to take the form of a substantive resolution of the House. Great responsibility attached to members who upon light grounds moved questions of this nature, under such a state of circumstances. This war was not a Colonial war, it was an Imperial one; and we had no right to embarrass the Imperial Government by a step like the one proposed, which might have the effect of weakening the moral influence of Government, and paralyzing its action. He trusted that the House would reject this motion, and that such rejection would be taken to be expressive of the assent of the House both to the justice of the *casus belli*, and to the policy of the war.

Mr. Forsaith had not determined to take any part in this debate. But, owing to an expression which had fallen from the lips of the hon. member who had just sat down, he now felt bound to trouble the House with a few remarks. The hon. member (Mr. Sewell) had said that he trusted the votes of the question now before the House would be admitted as formal expositions of the views of hon. members generally upon the justice of the course adopted by Government with reference to this war. He (Mr. Forsaith) could not, after such a proposition, give a silent vote, and thereby even tacitly admit that his vote was to be taken in this sense. After the full and unequivocal manner in which he had stated his views, when the debate on the cognate question in its general form was taken, it would be unnecessary for him to recapitulate the distinction he had drawn between a unanimous expression of opinion on the necessity of now prosecuting the war with vigour, and a unanimous expression of opinion of the justice of the *casus belli* as presented to us by the Government. Enough had been elicited in the course of the discussion of these questions to convince any one who had listened dispassionately to the arguments adduced by the various speakers that the House was by no means unanimous in the opinion of the wisdom and justice of the course adopted by Government in entering upon this war. Having made up his mind to vote against the motion in its present form, and having carefully guarded against the interpretation sought to be put upon that vote, he felt it to be due to the hon. member for the Bay of Islands to state reasons why he should feel it be his duty to vote against him. If no other considerations were present to his mind, he should have found sufficient reason for adopting this course in the principle involved in some of the reasons adduced by the hon. member himself in its support. In one sentence that he had used, in introducing his motion, there was by implication an admission which of itself would be sufficient to induce him (Mr. Forsaith) to vote in the negative. He said he trusted the issue of the enquiry would be such as to permit of a vigorous prosecution of the war. [*Mr. Carleton* rose to explain.] He (Mr. Forsaith) might not have apprehended the hon. member's meaning exactly, but, at all events, he was satisfied that no enquiry could be safely made to bear on the question of prosecuting the war. Unfortunately we were at war and we could not retreat one step or relax our determination to maintain the authority of the Crown. He must, however, again affirm his belief that hon. members occupying the Ministerial benches had, notwithstanding their zeal and talent, completely failed in dislodging or disproving one single point that had been adduced by speeches on the other side in support of the opinion that, in advising the course that led to this war, they had been over hasty and inconsiderate. He declared his conscientious belief that if his Excellency the Governor or those hon. gentlemen had been gifted with prophetic spirit,—if they could have foreseen the consequences of the step they were taking, they would not have persevered. (Hear, hear.) This belief was founded on the evidence adduced by the Government in support of their own position. He would not trouble the House by reading again that significant letter of W. King to the Governor, in which he states the sale of his land will never, never be consented to. That was sufficiently fresh in the recollection of hon. members,—but he

would read the despatch to the Secretary of State which his Excellency had penned the very day on which, by the advice of Ministers, the course was adopted which resulted in war. It was not necessary to read the whole of the despatch, an extract would suffice :—" My Lord Duke,—Rumours have reached " me that the survey will be interrupted by the chief, " William King (who has evidently been advised by " some disaffected person), and that difficulties may " ensue. I do not put much faith in these rumours or " anticipate resistance when the natives see that, " though always ready to consider every reasonable " objection, I am not the less determined to enforce " Her Majesty's right to deal with her own subjects " without hindrance from any one not having a " legitimate interest in the transaction." Nothing could prove more conclusively how entirely his Excellency and his advisers misunderstood their position, and how erroneous was their estimate of the native character. They fancied that a demonstration would overawe the natives, and they had no idea that the step they were taking would lead to a serious and disastrous war. (Hear, hear.) He maintained that the case, as stated by the Government, had completely broken down, and that the House, if compelled to pronounce a verdict upon the evidence—though it might not be prepared absolutely to condemn—would, in accordance with a custom which prevailed in one part of the United Kingdom, bring in a verdict of " Not " proven." He objected to the motion of the hon. member for the Bay, because it presented the question in an impracticable form. This house was not competent to inquire into a disputed native title. It could not even institute such an inquiry without adjourning to Taranaki, to Waikanae, to Queen Charlotte's Sound, and other localities, to collect evidence, and thus, as had been justly remarked by another speaker, the committee of inquiry would resolve itself into a kind of peripatetic commission. The proposal was simply absurd. Was inquiry then wholly useless, and was it to be altogether crushed? By no means. There were matters which might be legitimately and properly made the subject of inquiry, and he might hereafter have an opportunity of stating his views on this point more fully. He must, however, take this opportunity of adverting to the great stress that had been laid upon the withholding of certain private letters of W. King from the Governor, and the serious imputations that had been cast upon a gentleman of high standing and character, a dignitary of the Church, for so doing. But if there was any justice in these imputations, did they not apply with equal, if not greater, force in another quarter. If hon. members would turn to page 21 of the printed documents, they would find, as part of the Government's case, this assertion : " A large section " of W. King's tribe residing at Queen Charlotte's " Sound, including Ropoama, Te Ore, and his followers, " affirm the right of Teira's party." They had been informed by a preceding speaker, on authority which had not been questioned, that many of the signatures attached by Ropoama to this declaration of Teira's right had been surreptitiously attached, without the knowledge and consent of the parties. That a protest to this effect was forwarded to the Chief Land Commissioner, and that this protest actually reached him before the declaration of Ropoama, which it was intended to invalidate. If this was really a fact, what could be said in justification of the suppression of this information. Grave and painful responsibility, even the responsibility of blood, had been cast upon the gentleman who did not communicate King's letters to the Governor, but nothing had been said about the responsiblity of the officer who, if the fact stated was true, had not communicated to the Governor a document which revealed the comparatively worthless character of the testimony of a " large section of W. King's " tribe." (Hear, hear.) He could not resume his seat without congratulating hon. members on the Ministerial bench upon their conversion to right views with regard to information to be given to the House. At first they had seemed determined to dole out that information by bits and scraps—here a little and there a little; but now the hon. member the Minister for Native Affairs had promised, on the second reading of the Native Offenders' Bill, a full exposition of their views. He (Mr. Forsaith) congratulated them and the House upon the change. The way to good manners was never too late. " It was never too late to mend." (Laughter.) He was reminded of a common occurrence in nautical life, familiar no doubt to the experience of hon. members generally, that in a calm mariners were wont to walk the deck and whistle for a wind, " Blow, pretty breeze, blow." When the House first met there was a dead calm; the elements were at peace. The attitude of members was one of quiet expectation. But when, by an unexpected and unprecedented blunder, the address slipped through the House without expression of opinion, and hon. members began to evince strong desires for information, Ministers, by not immediately yielding to their desires, soon whistled up a breeze; they appeared to him, if he might extend the nautical figure a little further, to wish to assume a position something like that of the skipper when he mounts the paddle-box, to watch the direction and force of the squalls, and give orders accordingly, " Ease her—stop her—go ahead." They appeared only to deal out information according to circumstances: but not so now, they were adopting a wiser course. We all knew the decision pronounced by an authority to which we reverently bow, upon the conduct of the two sons. " He said I will not, but afterwards repented and went." He sincerely congratulated hon. members on their repentance. (Cheers.)

Mr. Fitzherbert thought the remarks of Mr. Forsaith would dispel the delusion entertained by Mr. Sewell, and the result of this discussion would be the expression of the unanimous approval of the House with the steps taken in connexion with the purchase of the Waitara block. This motion had been brought on in an unfortunate manner, which contained within itself the cause of its own rejection; still it was a question whether the House was prepared, finding we were at war with the Natives, to shut its eyes to the causes of that war, and refuse to make inquiry into them? If so, he said the House would be abnegating one of its highest functions. Let them look to what passed in the old world; the greatest man of the day was Louis Napoleon—a man looked upon as possessed of irresponsible rule, yet even he dare not go to war until he had first forwarded to other courts a full statement, written as well as oral, to show that it was not his fault that he was about to go to war—that he had no alternative left him but to do so. But in this infant Colony we were proceeding to war with the utmost unconcern and without thinking it necessary to assign any reason; we seemed not even to care who would have to pay the piper—it was an antiquated notion we met with in the oldest and most venerated book in the world, " Who goeth to war and counteth not the cost?" John Bull asked for his little bill, but—bah! he was not a bull but an ass! (laughter)—[The hon. member proceeded to allude to the charge of playing the clown urged against him by the Native Minister, and said buffoonery did not consist in little sallies of wit which evidently hit home. He went on]: What meant this cry for prosecuting the war with vigour with some men? It meant it was a nice thing for those who had oxen and other stores to supply to the troops; it meant it would be desirable to have two or three or five regiments in the Colony, so causing a large outlay from the military chest; in fact, it was all very well so long as the war did not come to our own neighbourhood. But it approaches towards us, and when it comes to a question of who shall bear the cost? this warlike spirit would very soon be found to subside (hear, hear). As to this war he verily believed it was one into which we had drifted; and as to the Proclamation of Martial Law, and those who signed that cartel of defiance to the Natives, were most surprised of all when they found that we had got into a state of war in reality (hear, hear). It was now about six months since (and when

only a few weeks before we had supposed we were in a state of profound peace) we were surprised by the intelligence that we were at war. Nor was this all, he feared what might be the consequences of the spirit which had been evoked by the imbecile management that had led to this war. They did not know where this war spirit might extend among the Natives—and it would be difficult for the representatives even of distant districts whether they felt quite safe. What was our position in the Northern Island? we were on the rocks, and were we therefore to shut our eyes to the danger of our position? were we to be debarred from inquiry into the causes which had brought us into this position? He contended for full justice to the Maories. He believed news had just arrived that Natives, in great force, were beleaguering our troops in New Plymouth. If this were the case, with such a strong body of troops at hand, what must have been the forbearance of the Natives towards us for the last twenty years? (hear, hear). But for that forbearance none but a few adventurous coasting traders dare have ventured into the country. Mr. Speaker would not now have been sitting in that chair; it was all very well for the hon. member for Native Affairs to sing "*Arma virumque,*" and to talk of clearing off the natives; but judging from the events of this war, the boast was premature. He had heard something said that, if the inquiry asked for should take place, everything that transpired would be retailed to the natives; if so, how much more careful should those in the position of Ministers be in their language when speaking of the natives. He refrained from quoting the offensive and hostile expressions used by the Native Minister, who certainly ought to have been the last person in that House to use terms towards the natives which every member of the House must deprecate. To-morrow the House was to be invited to consider a new Native Policy; in what spirit would any such policy be received by a people thus characterized?—But further, some of his (Mr. F.'s) constituents were members of the tribes referred to; they had even been among the most consistent friends of European colonization; among them was E. Puni, whose name was well known as the friend of the European. He (Mr. F.) had had many conversations with these natives on this matter, and they had always told him that the Governor was wrong in going to war with W. King. These were all loyal men, and these statements had been made not only to him, but to others; they had drawn the plan of Waitara on the sand and on paper, and they had pointed out the owners of the several allotments; and they said that W. King was right, and that Teira had no title to sell the land. He contended that what had been already said on this head, and what he himself had declared on his honour, was sufficient of itself to show that there were doubts which demanded inquiry. (Hear.) He was no party to the mode in which this motion was brought forward; he thought it would have been better to have asked Government to have appointed a Commission of Inquiry (hear, hear); but he did protest against their setting down in this *laisser faire* way with our hands in our pockets, and allowing such important matters — which concern the very existence of the Colony—to go on without investigation into the causes which have produced them, and the remedies that are required. (Hear.) If we had to put our hands into our own pockets in a different way we should feel very differently with respect to this war. (Hear.) With respect to the effects of this war, he might state that the natives of Wairarapa—a district where formerly the King movement met with no support—a very different feeling now prevailed. (Hear). His hope was in this House, to enable us to throw out an anchor to save us from total wreck. Great good would be done among the Natives when they should know that for three or four days the House was engaged in a serious and impartial investigation of this question of the causes that led to this war—that while we said to them that King and his followers must throw down their arms, we were at the same time engaged in considering how we could prevent similar disputes from being engendered in the future. (Hear.) He would not now refer to the civil conduct or the policy of the war, though he might have something to say about that hereafter; but with respect to the question of title, he would observe that though it would be no reflection on the Ministry should there be a defect in the title, yet it did appear that there had not been sufficient investigation into the matter before the purchase was concluded, and that they were under the very gravest responsibility for so precipitating war, especially in the unprepared state of the Colony. (Hear.) The hon. member concluded by observing that he considered that they were only at the commencement of the subject until they had disposed of the question now before them.

Mr. Williamson said if he could think that the appointment by the House of the proposed Committee of Inquiry would produce the effect on the native mind hoped for by the hon. gentleman who last spoke, he for one would be disposed to vote for the motion; but he could not think so; and agreeing as he fully did with the hon. members who first addressed the house after the motion had been moved and seconded, that no useful result could be at this time expected from granting such a Committee (hear), he must vote against the motion. He felt satisfied from personal inquiry and observation that, whatever support was now being given to Wiremu King by other tribes who had joined him, that assistance was not rendered because of native belief in the justice of his claim to the land purchased from Teira, but because they regard him as a defender of the principles of the land league (hear, hear), and felt bound to support him in his opposition to the Governor. But while he thus declared his intention to vote against the motion he must be permitted to guard himself against being supposed to give, by that vote, his unqualified approval of all that had been done in the commencement of the unfortunate war now going on at Taranaki; for he regretted to say that he could not acquit the hon. gentlemen at the head of affairs of having imprudently and too hastily advised the steps to be taken which led to active hostilities. In saying this, however, he felt bound at the same time to state his belief, that the purchase of the land was made in good faith on the pledged word of the Governor, and that the rightful owners of it sold it to his Excellency. But the purchase was one thing, and proceeding to take possession of it in the face of the then existing circumstances, was another. The papers which had been laid before the House had disclosed that Ministers had advised the Governor to carry out the survey of the land under protection of military force. It was quite proper for the Governor, looking at the probable consequences to the Colony that might follow such a proceeding, to ask for the advice of his responsible Ministers before undertaking it, and no doubt those hon. gentlemen felt bound to advise with his Excellency on the serious question brought before them, but he (Mr. W.) thought that they ought not to have given the advice which it appears they did. It was not a street disturbance, or an unlawful rising against the law on the part of a portion of the colonists, that they were called upon to assist the Governor to quell; no, it was to consider whether measures should be taken against certain natives, which in all probability would lead to the commencement of a war, which, as had been foretold by a former Governor, if once commenced, would extend throughout this Island. It would have been well, he thought, if the General Assembly had been consulted before that advice had been given. Apart from the question of the mere cost of the war, as to whether it should be borne by this Colony or the mother country, there were others of greater weight to be considered, and which the representatives of the Colonists ought to have had an opportunity to consider, before proceedings were taken fraught with such ruinous consequences to them. Sacrifices had been most cheerfully made by the Colonists in the heavy duties which Volunteers and Militia had to perform in support of the Government; but there were others in-

evitable which ought not to have been risked without the gravest deliberation by those most directly concerned. The beginning of a war with the natives of this country was no light matter. Nothing to hasten it should have been done until we were in a position to bring it to a speedy close. We had his Excellency's opinion, in a despatch addressed to the Duke of Newcastle, that 3,000 troops would be requisite to enable him to maintain possession of the country, and the Native Minister going further, and recommending a force of 5,000 men to be applied for; and yet we find that his Excellency's advisers, with but a small force at their disposal, enforced the survey of Teira's land, although opposed by a turbulent chief on grounds upon which he was likely to have many sympathisers amongst the disaffected tribes of the country. (Hear, hear.) For these reasons, then, he wished to guard the vote he would give on the motion, from being considered one of entire approval. (Hear.) He understood the proposed inquiry had reference chiefly to the question of William King's right to oppose the sale of the land in question to Teira. Now, for his own part, he (Mr. W.) had made himself fully satisfied that the Governor had purchased that block of land from the rightful owners of it, and that Wm. King had not asserted any such claim to it as should have caused his Excellency to reject Teira's offer, and refrain from purchasing the land. Indeed, he had had good evidence himself of his Excellency's unwavering determination not to buy any native lands whatever, to the sale of which there were objections on the part of rightful claimants. It was well known that in the Province over which he (Mr. W.) was placed there was much desire felt for obtaining lands in the extensive districts south of Auckland, which were considered eligible for pasturage. But the indisposition of the Natives to sell had hitherto prevented the Government from meeting the desires of the settlers. He had himself felt it to be his duty to make personal inquiry as to how far this unwillingness to sell had extended among the natives. On visiting Whaingaroa he learned from William Naylor, the chief of the tribe there located, that he and his people were willing to dispose of a tract of country, which for several reasons it would have been very desirable to possess. Arrangements were made through the friendly assistance of the Rev. Mr. Wallis, the missionary on that station, to forward through him (Mr. W.) to the Governor, Naylor's offer of the block of land. It came to hand some weeks afterwards, and was laid before the Governor, when his Excellency at once stated that the offer had been made to him before; that objections had been raised to the sale by several natives who, he believed, after inquiry, had a right to object; and that much as he desired to assist him (Mr. W.) and the settlers in acquiring land for their purposes, he could not depart from the rule he had laid down for observance in all land transactions with the Natives. To this course he (Mr. W.) firmly believed the Governor would adhere without deviation. And when the disturbance broke out at Taranaki, and it became a question as to whether our cause was a just one, the pooofs he had of the scrupulous care not to meddle with disputed lands, satisfied his mind that unless, indeed, his Excellency had been misguided in his inquiries to ascertain the rightful proprietors, there could be no doubt as to the correctness of the transaction. Still it was strongly urged that Wm. King had a claim which ought not to have been overlooked. Now, in common with many of his fellow settlers, he (Mr. W.) felt uneasy with reference to the war which had been commenced, and from the public position which he held he could not but regard with deep anxiety the results which would, in all likelihood, result from that war. He had taken an active part with those who had co-operated with him in promoting a scheme of colonization, which had materially added to the progress and prosperity of this Province, and which was then still steadily proceeding. He was painfully aware of the fact that the natives throughout the island having been permitted to possess themselves of arms and ammunition were well supplied, and considered themselves strong enough to resist the force which we could oppose to them, and that therefore the war was likely to be a protracted one, to extend beyond the limits of the field in which it had commenced, and for a time to put a stop to the immigration to which he had referred. These and other grave considerations led him to inquire, at sources from which reliable information was most likely to be obtained, with reference to the existence of the claim alleged on behalf of Wm. King. Having read all that had appeared on both sides of the question, he was unshaken in his opinion that the purchase was unobjectionable. He had already said that the support Wm. King had received from other tribes was given, not on account of any right he had to the land, but because they regarded him as engaged in support of their land league policy. Now of this he (Mr. W.) felt assured from personal observation. He had made it his business to attend at the great Waikato Native Meeting in May last; he had listened to the speeches which were delivered there by the chiefs assembled, when the question of whether or not aid should be sent to Wm. King; of these speeches he had obtained correct translations, and he could say that, although many of the old chiefs were present, not one of the speakers ventured to assert that Wm. King had, on his own account, any right to interfere, to prevent the sale of Teira's land. (Hear.) Doubts were expressed by all who touched the point. Wm. Thompson, the great king-maker, said, "Let all questions be disposed of now we are assembled "together; shall we go to the Governor, or shall we "join Rangitake (Wm. King)? Let us search out "the merits of the case, that if we die we may die in "a righteous cause. Let us find out who is wrong. "Wm. King says that the land is his; Taylor says it "is his. I say let us find out the owner; do not make "haste lest we make a mistake. I do not condemn "the Governor, for I am not informed." Another speaker recommended two deputations to be sent to inquire—one to the Governor, the other to Wm. King—and said, "if the land be Teira's all will be easy." The hon. member for Wellington (Dr. Featherston) had referred to Wi Tako's letter, and to the interpretation which that chief had himself had put upon certain expressions contained in it. Well, that letter was discussed in his (Mr. W.'s) hearing, at one of the preliminary meetings held before the great meeting took place, and there did not appear to be a doubt entertained by any native on the meaning of the words of Wi Tako, "This wrong is King's." The real objection taken to Wi Tako's report was that it was merely a statement of Teira's side of the question; that whereas Wi Tako was deputed by the Waikatos to visit both parties, he had only seen Teira and received his statement. A native present, named Gabriel, who had accompanied Wi Tako to Taranaki, rose to throw light on the subject. He spoke as follows:—

"I accompanied Wi Tako on his return from Waikato. I wanted to have an explanation about the Parawai (the mat that Teira presented to the Governor). We intended to see W. King, but on reaching Waitara we heard that war had commenced, that pakehas had been killed, so Tako would not visit King. We saw Ihaia and Teira. Teira asked, For what purpose have you come? We replied, To inquire about the mat, and to take the truth back to Waikato. He said, The piece is small, the greater portion of Waitara is King's; mine is in the centre. Then came the news that Waikato was about to attack Auckland; I went to King and said, I have come to inquire about the mat. He replied, "The "report is correct." I looked on in silence." I said, "That was your error, you ought to have taken it "away." "I did not," he replied, "I simply threw a "word at the Governor, and said to him, 'I will not "'give you my land.' I did not take up the mat, but I spake my word. The pakeha wants our land, but this war is about your Maori king. Don't listen to the pakeha, but bring your flag to Waitara. Go back and clear them out, and send them all back to England."

This statement was listened to with attention, but

doubts still remained. He (Mr. W.) had been very desirous to know from Mr. McLean's lips all he knew concerning the ownership of the land in question; there were three gentlemen who had been engaged in native negotiations in this country, in whom, from his knowledge of their painstaking industry in these matters, he would place the utmost reliance; he referred to Messrs. McLean and Rogan, and the hon. member for Wallace County, Mr. Dillon Bell. (Hear, hear.) On Mr. McLean's arrival at the place of meeting he was informed of the doubts that existed amongst the Natives as to the question of Teira and King's rights to the land which had been purchased. Mr. McLean then stated to him (Mr. W.) what had been done to ascertain the real owners of the land, before Teira's offer was accepted. It then certainly appeared to him (Mr. W.) that nothing further was wanted to satisfy him that all was straightforward and right with regard to this purchase. Mr. McLean was advised to take an opportunity of stating the facts of the case to the meeting, which he did as soon as an opening offered (hear, hear). He (Mr. W.) regretted very much that a copy of that address had not been included with the papers laid before the House (hear, hear). However, he would read a translation of a portion of it which had been made by a gentleman who heard it delivered:—

"Then two families (hapus) said we will sell our land at Waitara, and they offered it for sale, but the Land Commissioner was not in haste about it, he let it stand. Then the Governor went to Waitara and land was offered. One got up and said, I desire to sell my piece, another got up and said, I wish to sell mine. I do not want to sell what is another's, but my own. I (McLean) replied, we cannot purchase those small pieces. Then Taylor said to Wm. King, Listen, I am about to offer mine. Governor, here is mine, but the Governor did not speak. Taylor said again, Give me your word, Governor. McLean, will not you and the Governor consent to mine? Wm. King sat there all the time and heard. When Taylor had urged it once, twice, thrice, four times, the Governor said, if it be an undisputed claim I accept it. Then Taylor laid down his parawai(mat), but William King did not take it away, he only cailed out and said, Waitara shall not go, and went away. But we did not take it at once. You say we were hasty, but we were not. Eight months passed over before the bargain was closed. We inquired of all the people, and could not find any rightful claimants but Taylor and his friends. We said, if W. King has a piece in this block, we won't have it; we will leave it outside. Do not say, then, that the Governor made haste to buy it; he took time enough to investigate the claim. You have said that one man sold the land, but that is wrong, there were seventy persons consenting to the sale. After this, I went south and visited the middle island. I saw Ropoama Te Ore of Arapaoa. I said to him, Waitara is offered for sale; he asked by whom? I inquired of him 'Is it King's?' He said, 'No, his land is on the other side of Waitara; 'that piece is mine, let me have the money for that.' I replied, 'No, I am not at present clear about the 'ownership. Let it be setlled.' 'Give the payment 'to me,' he said again. 'I do not understand it yet,' I said, 'but give me the names of the real owners.'— You have then unjustly accused the Governor. He has done no wrong, the land was offered to him, he would not consent at once, he took time to obtain information on the character of Taylor's claim, he said he would buy no land the ownership of which was disputed, neither would he allow any man who wished to sell his land to be prevented by another. He has kept his word. Whose land has he taken? Whose rights has he violated? But you have allowed yourselves to be deceived by false statements. You charged the Governor with making haste to go to war, but had you waited to hear and understand the subject you would not have done so. The Governor has no wish for war, and would not take up arms but in a just cause, and then not till all other means had failed."

—The effect produced by this statement was very satisfactory; many were heard to say, "McLean's speech was quite straight—great was its light." He (Mr. W.) believed that some were induced by that address to abandon their intention of going to join King. There were speeches delivered, however, at that meeting which proved to him that the sympathy with King did not arise from a belief in his ownership. Many of the speakers regarded him as fighting in defence of the King's authority, that on that ground they were bound to support him. Wetini, of William Thompson's tribe, and a relative of his, had said that he would turn his back on the pakehas and his face to Taranaki; his (that is the King's) *mana* rested on that land, and he would go to defend it. Another remarked, "Send a deputation to Taranaki! let us know when that land was paid for—before our *mana* reached it or after? If our mana was first, then we do not let it go, but support William King. *This shall decide his claim.*" It had given him (Mr. W.) great satisfaction to observe that only a few of the extreme party sympathised with William King; that the general feeling amongst the moderate men at that meeting was entirely against the Waikato tribes embroiling themselves in his proceedings; but he was sorry now to learn from accounts recently received that preparations were being made by those residing in the upper districts to send him reinforcements. He (Mr. Williamson) had alluded to these proceedings to show to the House that, as far as he was concerned, he felt perfectly satisfied as to the Governor's purchase of Teira's land having been made in conformity with the rule which he had laid down to guide him in these matters. He could see no good likely to flow from the proposed inquiry if such an inquiry were practicable; he could not see how the committee could proceed to satisfy themselves on some of the points which the member who moved for it had indicated as subjects for investigation—such as the rank that King holds in his tribe—without summoning witnesses from within the trenches and palisades of the pahs now occupied by that Chief and his relations. He did not think that this inquiry was the best way to assure natives of our good intentions towards them. There were other more prudent and more practicable means within our reach; and he was glad to hear from the hon. the Native Minister, that the House was about to be put in a position to consider measures to remedy present evils, and if possible to prevent their recurrence. He was aware that a vigorous prosecution of the war was loudly advocated, and no doubt this would be very popular; but for his own part he would say that the sooner this war was brought to a close the better. Not a day should be lost in availing ourselves of the assistance, which he believed would be readily afforded by many of the well-disposed chiefs now met in conference within a few miles of the spot where the Assembly was sitting, to effect this most desirable object. There was no honour or glory to be gained by triumph over such enemies as were now opposed to us; it would be a sad conclusion to all that we have hitherto been attempting to effect for their improvement, if we were now forced to carry on this war to a destructive termination. Rather would it be more in keeping with the humane policy hitherto observed towards a race of aborigines who have laboured with us as colonists, and whom it is our interest no less than our duty to save, to apply ourselves to devising some such measures as those sketched out by his Excellency in his memorandum now before the House, by which the confidence of the native people may be regained, and an end put to the difficulties which have arisen out of the present system of acquiring native lands (hear, hear).

Mr. Fox briefly stated that, in voting for the motion he must be understood to express no opinion on one side or the other. He reserved his opinion.

Mr. Fitzgerald, looking to the late hour of the night, suggested an adjournment, and gave notice of an amendment he should have to propose.

Mr. J. C. Richmond said: The able summing up of the hon. member for Christchurch has exactly ex-

pressed my opinion of the result of the last debate; and I could have been content to give a silent vote on the present motion, if other hon. members had been willing to take the issue as put by him. I have said already, that I think the motion is out of place and out of time. Not that I would be understood as seeking to narrow the proper sphere of action of this House. I desire to magnify this House and its duties, which may embrace everything occurring in these islands. The hon. member for the Bay said, "I will sift this business to the bottom." But without any slight on my hon. friend, it may be said, there are some things which he cannot do, some questions which have baffled men as ingenious and industrious as he, for their whole lives:—take for instance the quadrature of the circle, or the exact determination of the longitude —problems which for centuries exercised the minds of the learned, and which still exercise the unlearned. Such a question, I believe, as regards this House, is the one now before us,—a question, which, if we are not satisfied to answer it approximately, will exercise us for the rest of our natural lives. If the hon. member, or any other member, will take steps toward the appointment of a special commission for inquiring into the matter, with power to seek evidence on the scene of the disturbances and elsewhere, he shall have my support; for I am not anxious to quench inquiries. The debate has shown, I think, that the House is not indifferent to the justice of the proceedings in this war; it has also shown how inefficient an investigation by this House would be. But if a commission were appointed, this is not the time for it to act. Such a commission must seek for evidence in the ranks of the insurgents, and whilst war is raging the proceeding is as impossible as it would be impolitic. For these reasons I oppose the motion of the hon. member for the Bay. The hon. member for the City of Wellington (Dr. Featherston) has made a general allusion to the petition of the Provincial Council of Taranaki, in 1858, on the occasion of native disturbances then existing; he has stated that it advocates spoliation and robbery of the natives, and violation of the Treaty of Waitangi. The charge is general, and I will only say that though I was not a member of that Council when the petition was agreed to, that I quite agree in its statements and views; and that at a proper time I shall be able to show to the House that the prayer of the Council was just and wise. I am most anxious to state, as representing the district where the settlers' blood has been most freely shed, and where the one success of the war was achieved by them, that the men of Taranaki are not among those alluded to by the hon. member for the Pensioner Settlements (Mr. Williamson) as actuated by a blind spirit of pugnacity —eager, like the horses of chivalry, to flash their weapons on the enemy. I think I am justified in saying (I have come, not as their delegate, but their representative) that they will agree with me in disclaiming such a spirit. They look to the end of the war. We have lived side by side by the enemy, and are able to appreciate the good qualities of the Maori. In the very camp of the insurgents are men positively dear to me—close friends, as the member for the Hutt has said—good and kindly men, I believe, dragged into this miserable war by the fear of Mrs. Grundy,—for Mrs. Grundy has dominion among the Maori as well as among ourselves (hear, hear). I would give much to extricate these men from their position (hear). Then there is Hone Puripi, who saved my friend Mr. Parris from the designs of some treacherous Ngatiruanui and Ngatiawa men (hear, hear); who among us would not give much to rescue that noble man from the misguided movement he is involved in (hear)? The hon. member (Mr. Williamson) has expressed a regret that in this House a vigorous prosecution of the war has been all but universally approved. But standing here as I do, with private letters which corroborate the statement that fell from the hon. member for the Hutt, that the town of New Plymouth is, in a sense, invested by natives, I must remark that it does not appear that we are in a position to relax our activity, if we would; and it would surely be no mercy or wisdom to do so, if we could (hear, hear). One piece of injustice I must repel, which affects individuals. The war is cast on the Land Purchase Department. It insinuated they are interested persons —that insinuation is conveyed in the sketch which the hon. member for the Bay has given of the inquiry he proposes for the committee. Sir, I admit they are interested persons—interested that no scruple, no grain of a scruple of doubt, should exist as to the validity of their work (hear, hear). For it is by buying land for occupation—not land on which no one can sit down when it is bought, that these gentlemen can hope to rise in their department, and obtain the confidence and gratitude of their fellow settlers (hear). That there are faults in the present arrangements of the department—that it needs recasting, I agree; but when the department is reformed, from among the same gentlemen who now compose the department, we shall still have to seek our agents and negotiators (hear). I have avoided the question of policy which has been raised by many hon. gentlemen, and will not enter far into it after twenty-four hours of solid debating. I will refer only to one point—it was said by the hon. member for the Bay, that the position of the Government was humiliating when a certain "pa" containing loyal natives was besieged, and the besieged asked assistance which was not given: why was not this case taken up, where land was not the question? I suppose the hon. member refers to the siege of the Karaka by W. King—[*Mr. Carleton*: I mean the siege of Arama Karaka in the Ninia.]—We were thinking of two different affairs. The siege of Arama Karaka was not during the administration of the present Government. But with respect to the attitude of the present Governor I will refer to the case of Ihaia and the Karaki pa. The despatch of his Excellency to Lord Carnarvon has been referred to, to show that his Excellency did not expect the present war. Sir, I know that he did not. With a candour which is a proof of his high purposes, he avowed it to several persons in Taranaki. But though he did not expect the result, *non constat*, that he would have shrunk from action if he had expected it. Well, at the siege of the Karaka pa, Ihaia and his women and children being in extremity, they were to be exterminated. W. King, that gentleman! had resolved that Ihaia was to be broiled alive (so we were informed), the settlers were resolved that such a catastrophe within four miles of our town would disgrace them and the colony. They had resolved to go to the relief, law or no law. I was prepared to have gone myself. It seemed an obvious crisis. The gallant officer commanding the Militia, Major Lloyd, wished to lead us down;—he is a soldier, and not strange to discipline (hear). Happily, there was no need for the movement. Ihaia fell back unmolested to the Ninia pa, and peace was afterwards established. Well, sir, what did his Excellency Col. Browne say on hearing what I have narrated? Did he shrink at the thought of the danger he had escaped? No, on hearing of the intention of the settlers, he said (so I am informed), "Of course they would have gone. I wish "they had." Sir, the case of Ihaia was not a nice one for the Governor to take up; for Ihaia's hands were deep in blood. True, it was partly due to our weakness that he went astray; he did savagely what the Governor ought to have done. I refer the House to a letter of Ihaia published in the *Taranaki Herald*,—a letter at least as remarkable, at least as beautiful, as any that have been read from W. Kingi, as I think honourable gentlemen who have quoted W. King will allow. He charges nothing to the Government, but he claims to have compassed Katatore's death as punishment, as revenge for that of Rawiri. Ihaia's case was not a nice one to begin with, but it was not that his Excellency shrank from action. Sir, the present war is not a war for a plot of land; the settlers of Taranaki do not so understand it. If what is a supposition good only for argument, not practically politic, should be done,—if the war ended, every acre of

Teira's should be surrendered, there would be no howl from Taranaki, provided that law and order were secured by the struggle (hear, hear). But, Sir, I go a great deal further, and say that there is good reason to believe that the present war only anticipates a time that would have soon come;—war might have been staved off a year, or two years or several years, but could not have been permanently prevented.

"There would have been a time for such a word:
It must have been hereafter!"

There were signs of the storm which years of weak government had made unavoidable (hear). No conciliatory legislation alone would, I feel sure, have avoided the crisis. A spirit of turbulence existed, especially among the younger natives, who were anxious to prove their prowess as their fathers had done, and would have found an opportunity of trying it. It is well for us, perhaps, to have it come whilst our eyes were open, not like a thief in the dark (hear). I will add one more observation here, though I may be out of order, in justice to the present Government. The hon. member for the Hutt has quoted the first line of the Iliad, in mockery at them. Sir, I differ as to the person who should be understood as "the man." I declare my conviction that the hero of all the disasters of our New Zealand Troy, is the Commander of the Forces. It was the duty of his Excellency and his advisers to calculate on moderate blundering, that is commonly incident to warfare; but incapability so signal and unprecedented as has been shown, no one could have anticipated; no one can be blamed for not having reckoned on.

Mr. Heale briefly remarked on several inconsistencies which had fallen from some preceding speakers; and questioned the expediency of the inquiry as calculated to raise a doubt as to whether the war had not been commenced in error. In the position in which matters now stood, the only thing that could now be done was to carry on the war with vigour, so as to bring it to a speedy and satisfactory close. This would be the best thing that could happen for the natives as well as for ourselves. (Hear.)

Mr. D. Bell took exception to the remark of Mr. J. Richmond, that war must have come some time or other, such was the state of feeling among the younger natives. He (Mr. Bell) had some knowledge of the natives in Tafanaki and in other parts of the island; and he decidedly said such was not the result of his experience. (Hear, hear.) There might be some turbulent spirits among them—young men desirous of obtaining property, but without money or other means of effecting their object; but the feeling was anything but a general feeling. [Mr. J. Richmond explained that he had only meant to show what was the state of feeling among many of the young natives in his Province.] To the member of the Bay he (Mr. Bell) would say, he was prepared to go into an inquiry into the causes which had led to this war; for he totally dissented from the doctrine that, because we were at war we should weaken our cause by such inquiry. (Hear.) But let us have no snake in the grass (hear, hear),—let not the Committee be drawn into expressing an opinion,—let them not be led to take themselves the functions of this House. (Hear, hear.)

Extracted from the "NEW ZEALANDER" Newspaper, dated Auckland, August 15th, 1860.

HOUSE OF REPRESENTATIVES, Thursday, August 9, 1860.

MOTIONS.

On No. 1 being called on,

Mr. Richmond rose and said: I rise by your leave, Sir, and by leave of the House, to make a short statement respecting certain propositions which the Government will submit to this House on the subject of the Civil Government of the Natives; (hear, hear), and before sitting down I shall move that the House do proceed to the order of the day, so that the adjourned debate on Mr. Carleton's motion for a committee of inquiry into the causes of the Taranaki war may come on, as I understand it is the wish of the House to conclude that subject, before passing to the important matter opened by the resolutions of the hon. member for Christchurch (Mr. Sewell). (Hear, hear). Sir, there is a significant passage in Mr. McLean's memorandum of the 6th inst., which forms an enclosure to his Excellency's message No. 2, just received by this House. The writer says: "It is abundantly manifest "that in the present state of the Colony the Natives "can only be governed through themselves." This principle, the House knows, has not to be now recognised for the first time by present Responsible Advisers of the Crown in New Zealand. We did not wait to announce this principle until Native affairs had assumed their present menacing aspect. No one can say that ours has been a policy of fear. It has stood on truth and justice. The principles we announced in fair weather, having such foundation, stand good in foul. We have, I am thankful, nothing to recant, or to draw back from. We always declared that we must found upon the consent of the Native people—with this simple exception, that within the actual limits of British settlements, and perhaps to a certain distance beyond, we thought, and still think, that British law ought to be enforced against both races. The foundation—the corner stone—of our policy is therefore unaffected by the present storm. We have, however, seen reason to propose various modifications of detail in the policy of 1858, and the present state of the country has made us see the necessity of accelerating the introduction of certain measures.

On reference to the memorandum on Native Affairs of 6th May, 1857, (appendix to journals of the House of Representatives, 1858, E 5) it will be seen we wrote as follows:—"We doubt the policy of en-"couraging larger gatherings of the Native popu-"lation than such as would take place at the Circuit "Courts, or at Courts which might hereafter be held "for the adjustment of intertribal differences. Where, "however, such larger meetings are held, it is evi-"dently wise to give them a beneficial direction." But when the King movement reached its present menacing height—when, in spite of us, the Natives would have their own large meetings, and were sending armed parties to Taranaki—we saw that it had become absolutely necessary to counteract the influence of the King-makers—that the time required a large bold measure, and that we must fight them with their own weapon. Therefore we advised the holding of the Conference which is now sitting at Kohimarama; and we have advised that a second meeting of the same kind shall be held in the year 1861, if this house shall please to make provision for the same. The Native Conference of 1861 will have to determine many important matters. First, it will have to express the deliberate opinion of the Native Chiefs and people as to whether such a periodical meeting shall become a part of the permanent institutions of the country. Secondly, it will have to give definite answers to several important propositions made by the Governor to the present meeting—particularly to the propositions made by his Excellency respecting the ascertainment of Tribal Title, the ultimate individualization of Native Title, and the constitution of Tribunals for the determination of disputes between the Natives themselves on the subject of their Territorial Rights. The Governor's propositions on these subjects were very favourably received by the assembled Chiefs. But they were unable to say how their respective tribes would receive the same propositions. They said, we will go back to our people, and talk over these things, and next year we will bring you word what is agreed to. Our plan, then, is, to have another general meeting of Chiefs in 1861. We shall not ask this House to commit itself any further than that. We do not see our way at present any further, and consider it would be as unwise as it is unnecessary, at the present moment, to attempt any legislation on the subject. This

meeting then, although forced upon us by the circumstances of the country, is in entire accordance with the principles we have always held and expressed on the subject of the government of the Natives. We also adhere to the policy and Act of 1858, as regards the constitution of local legislative bodies. Only two districts have as yet been proclaimed under that Act —the Bay of Islands district and the Mangonui district. A third in the Bay of Plenty will probably be shortly constituted. Various obstacles have stood in our way. First, the King movement, which was supposed to prevent the extension of the Act of 1858 to Waikato. Then there was the want of money—and worse than all, the want of men. For we always contemplated that the judicial and the legislative measures—the Native Circuit Court, and the Native District Regulation Act, should go hand in hand—and we looked to the magistrate to direct both the Court and the Runanga. But this is, I find, altogether too slow and expensive a process; we want something simpler and more ready. We therefore propose at once to divide the whole Colony into districts under the Native Districts Regulation Act, and to appoint in each one Chief as the medium of communication with the Government. This Chief we propose shall receive a competent salary—something worth his acceptance; for we believe that the fund for the payment of Assessors has been rendered of little use by comminution. It has been scattered broad-cast over the country, divided into such small payments that Chiefs of standing feel insulted by the offer of the sums allotted to them. We hope that a magistrate may ultimately be appointed to each district; but meantime we propose to have a Chief. These, then, are our simple proposals. I would now make one or two suggestions as to other practical modes of enabling the Natives to influence the legislation of the General Assembly and Provincial Councils, and so to overcome the objections sometimes made that the Natives are unrepresented. I would suggest that whenever any legislation directly affecting the Natives is before this house, it would be well to establish the practice of examining Native witnesses—Chiefs of intelligence and influence—either at the bar of the house, or before a Select Committee. Two great advantages would be secured in this way. We ourselves should be legislating less in the dark; for even those members who do not pretend to any special acquaintance with Native affairs might form a judgment for themselves from what they heard; and we should be more likely to secure the aid of the Natives in giving effect to our measures. As to the Provincial Councils, they should be required to take the same course; and his Excellency should, as a rule, withhold his assent from any Provincial Ordinances directly touching the interests of the Natives unless Native evidence had been taken on the subject, and duly reported to his Excellency. Such a practice will prepare us and them for the time when Native Chiefs—but I will not say when Chiefs, for we shall have done with tribes, and therefore with Chiefs, before that day comes—for the time, I will say, when men with Maori blood in their veins will take their seats upon these benches. It is a mockery to talk of such a thing at present, but it is our wisdom and our duty to prepare for it. Sir, the great Native word is now "Kotahitanga" (union)—union into what is called a Maori Nation, and which would be not a Nation but a Tribe. Apart from us, I say, it could but be a tribe, and with the tribe we can have no solid enduring peace. Let us meet their false idea of Maori Kotahitanga with the frank offer of a large and real union. Let us extinguish the tribe in our civilized society. Let no man say that in thus acting we are truckling to savages. These are no new ideas with us, no mere politic concessions made, not under a sense of justice, but under a sense of danger. They are simply a legitimate expansion of those views of Native Government which we have always expressed. We propose no grand new scheme. We desire to be strictly practical. What we intend needs no additional legislation—indeed we think at the present moment we should aim at having the minimum of legislation on these subjects, and deprecate any ostentatious scheme of what is called permanent legislation. As I often had to say in 1858 it is useless for us to sit here and contrive nicely adjusted plans of Native Government. What is wanted is something based upon reality—something which the Natives themselves will understand and work. Therefore your machinery must be very simple. We think, moreover, that the present time is singularly inopportune for the introduction of legislative novelties. I now propose very lightly to touch on the subject of the extinction of Native Title, with a view to indicate in what way we consider the subject to be connected with the question of Native Government. Now, I would ask hon. members what is the real obstacle at the present moment to the extension of settlement? Is it a mere question of price, as some pretend? Is it, I say, merely that Government does not offer enough? Is it jealousy of the Government intervention in the matter of land buying, or a special dislike to the officers who are entrusted with that duty? Why, it is notorious that amongst the officers of that Department are men than whom no persons in the country are better liked, or more trusted by the Natives. The head of the Department, in particular, has probably, as we all know, more personal influence with the Natives than any one in the island. Is it, then, that the Natives cannot spare more land, or that they set a great value on it? All of us except perhaps one or two who hold peculiar opinions, will admit that not one of them, nor all of these things, nor all of them together, are the real causes of the land league which is now arresting the progress of the Colony. It is distrust of the Pakeha—doubts and fears—most natural doubts and fears of ourselves and our intentions. And it must be the object of our policy to convince the Natives that their doubts are without foundation. The land league is only the tribe expanding—expanding under the influence of those doubts and fears. The King movement and the Land League are different names for the same thing—they aim at the union of all the tribes into one, whose territory shall be New Zealand. There is much mystification about this. Much has been said about W. King not belonging to the King movement. True he did not belong to the Waikato King movement. But he was the centre of the Taranaki Land League, which is a minor King movement. The two seem now, in spite of our efforts, to be running into one. Their ultimate object has always been the same, and the only obstacle to their coalescence has been the pretensions of King himself, who did not care to put himself under Potatau. Now between the tribe and us, as I said before, there can be no harmony. The way to merge the tribe in our own system, is by the action of institutions such as we have proposed in 1858, and now propose further to develope. In breaking down the tribe—in substituting for it the institutions of civilization—you break down also the resistance to the progress of the Colony—you melt away the land league. On the subject of land purchase we have no legislation to propose. The subject is hung up for the present by the Governor's reference to the Imperial Authorities. In his Excellency's despatch, an abstract of which accompanies Message No. 2, he requests an answer in time for the sitting of the Assembly then expected to take place at Wellington in May. But it seems they find it a hard nut to crack. The Governor has told me that he has private instructions that the subject is receiving attentive consideration. Till we know somewhat more of what the views of the Imperial Government are, it seems useless to attempt legislation. It would only increase our difficulty. In moving the resolution for a reference of the subject of the extinguishment of Native Title to a Select Committee, pursuant to the notice I have given, I will state exactly what we propose as *ad interim* measures. I will frankly say that I do not expect any practical result from the inquiries of the Committee. I gave the notice because I was aware that many members

thought that something might be accomplished by such a Committee, and I saw no objection to it. But the Government is indifferent as to the mode in which the subject is considered by the House. If there is a preponderating opinion in favour of a Committee of the whole House, we shall raise no objection to the discussion in that way of any propositions that may be made. Most of us have formed opinions on the subject, and new light is scarcely to be expected after so many years of consideration. [A conversation here ensued, in which it was arranged that Mr. Sewell's string of resolutions, which he had given notice to move as an amendment to Mr. Richmond's motion for the appointment of a Select Committee on the extinction of Native Title, should be moved as substantive resolutions, and should have precedence of Mr. Richmond's, so as to give Mr. Sewell the right of reply.]

Mr. Sewell briefly epitomised the leading points in Mr. Richmond's statement, and appealed to that hon. member as to whether he had correctly rendered his views. [*Mr. Richmond* assented.] *Mr. Sewell* continued: Such, then, was the Government policy. He trusted they would have a wider discussion on the whole subject on the amendment he was about to move; and as the onus of that would rest on him, he should like, if it were in order, to have the advantage of a reply.

Mr. Richmond.—The hon. member can renew his notice as a substantive motion.

Mr. Sewell.—But to-day the question would come on at the close of the adjourned debate.

Mr. Richmond.—Anyhow, the Government could have no objection to the course proposed by the hon. member. He (Mr. R.) was only rejoiced that the time had come when his hon. friend's lips would be unsealed (hear and laughter). The hon. member had evidently been very uneasy hitherto (hear and laughter). Now that the seal was about to be removed, a vast cloud would issue forth—a cloud from whence, it was to be hoped, no maleficent genie would issue forth, but some good spirit like their old friend the Genie of the Lamp (hear).

Adjourned Debate on the Taranaki War Inquiry Motion.

On the order of the day being called on,—

Mr. Fitzgerald rose to move an amendment, in order that the house might have an opportunity of considering this matter, which was in danger of being stifled by the motion of the honourable member for the Bay of Islands,—for that motion would stop the remarks of honourable members who might have more to say about it than that honourable gentleman altogether desired. (Hear.) He (Mr. F.) did not at all agree with the honourable member for the Bay; he was of opinion that the motion for a select committee was a censure upon Government. From the long debate that had already taken place, he thought very little good had yet been derived. He believed that had his Excellency not taken the course he did, much odium would have been attached to him by many persons who were now most clamorous for the investigation. (Hear.) The Ministers were not, in his opinion, any way to be blamed in this matter; he thought they had exercised every necessary precaution before advising his Excellency. Nothing new was likely to be elicited by the Select Committee, except, perhaps, from the evidence of some gentlemen that ought to be taken, viz., Archdeacon Hadfield, about whom many remarks had been made, which he, in common with many others, was much pained to hear,—and Mr. McLean (Hear). Though he did not agree with the proposal for a Select Committee, yet he thought an inquiry should be made, so that the House should give an opportunity for the expression of opinions, in order that it might not be said by the natives that their supporters were not allowed a hearing in that House. (Hear.) He then moved the following amendment:—

That it appears expedient to institute some inquiry into the circumstances which led to the Taranaki war, especially by taking evidence at the bar of the House of some gentlemen now in Auckland whose opinions it may be desirable to record. It should be conducted by a Committee of the whole House, who shall take such evidence as they shall think fit, with power to examine persons and papers, and records.

Mr. Fox rose to second the motion, though he would not bind himself to support it. He had taken no part in the recent debates, for two reasons—1st, that on the only occasion on which he had risen he had been so assailed and pinned to the wall by the hon. member for Wairau as a leader of an opposition, that he had purposely refrained from further address. The other reason was, that he had been desirous to hear first what might be said on both sides of the question. The hon. member for the Suburbs (Mr. Heale) appeared to consider it their duty to bow their knees most humbly before any statement from the Government, and to receive it with the greatest confidence. It was the duty of individual members of this House to discuss all matters, and express their opinion upon them (hear). He did not approve of the manner in which the motion had been brought forward. It should have been boldly demanded by the mover on the part of his constituents (hear). In a speech of the barrenest description, the hon. member for the Bay had brought the subject before the House in that mild way which was a request to the House not to accede to his resolution (hear and laughter). If that were the way his cavalier ancesters had behaved at Naseby and Marston, he did not wonder at their being beaten by the brave Ironsides (hear). The question was not merely that of Taylor's title, but a much broader one—a question which involved the whole cause of the war into which they had unfortunately drifted. As one of the oldest colonists, and having been much engaged with public affairs, he would endeavour as shortly as possible to recall to their recollection the general history of the Colony, so far as it might throw light on the causes of the present state of things. Going back to the time of Moses had not found much acceptance, but he thought he might venture so far back as to the time of Governor Fitzroy. At that period the natives had a great regard for the prowess of the British soldier. It was owing to Governor Fitzroy's vacillating policy that the prestige of the British nation was clouded. But his policy must not be compared with that of his successor, for if he had had the resources of his successor, he might have prevented the injury inflicted on the British power. Next came Governor Grey's reign. To his policy might be traced the great weakening of the British power. The first act was the feeble and inefficient manner in which the war had been conducted in Governor Grey's time. Disaster had followed on disaster, the natives generally having had the advantage, until the prestige of the British name was almost wholly lost. Another cause was that he had endeavoured to govern the Maori race, not by the introduction of British institutions, but purely by his personal influence—forgetting that that influence would perish with the termination of his rule, and leave his successor worse off (hear, hear). The third cause was one which operated in no small degree to bring on the present state of things. Governor Grey had been engaged in a long and bitter contest with the colonists against the introduction of representative institutions—he telling the Home Government that representative institutions would lead to a war of races, and the probable extermination of the natives. He (Mr. Fox) would not say that Governor Grey had instilled this idea into their minds; but there were plenty of his myrmidons who would not be slow in instilling that idea into the native mind—for if they saw that with the introduction of those institutions their craft would be gone. But whatever had been the means, he was prepared to prove that an idea had reached the native mind that when representative institutions were introduced, their lives and property would be in danger. Those were the three

main causes operating under Governor Grey to sow the seeds of discord among the natives; but nothing of this would they find in his despatches. He had led the Government at home to believe that his labours here had led to a halcyon state of peace—that the races, for ever afterwards, would be joined in the bonds of amity. No one knew better than did Governor Grey how to whiten a sepulchre, and now they were suffering from the rottenness of the bones (hear, hear). Now, he (Mr. Fox), came to the present Governor. He did not wish to treat his Excellency with disrespect. Indeed, Governor Browne would have been entitled to claim allowance for the state of affairs in which Governor Grey had left the colony, if he had done all in his power to remove those evils which he found existing. The question was, had he done so? He (Mr. Fox) had come to the conclusion that between responsible and irresponsible administration the interest of the natives had been most entirely neglected in practice. If Governor Grey had taken too much pains to ingratiate himself with the natives, Governor Browne had taken too little. Many opportunities had been lost by the present Governor of attaching the natives to him; in scarcely any portion of the island was the person of his Excellency known—neither were those of his responsible advisers. Almost all of his Excellency's advisers of the Native Department have lost great opportunities. They possess what Governor Grey did not, but which they have entirely lost sight of—namely, the power to create separate native districts, within which native laws might prevail amongst themselves. If that had been brought into operation it might have given the King movement a turn of such a character as would have rendered it beneficial, instead of the reverse (hear, hear). The opportunity was now lost. They would have the greatest difficulty now to induce the natives to look, with any friendly feeling, at what might have been done with ease, and very beneficially, three years ago (hear). Having thus failed to acquire personal influence among the natives and attach them to our nationality, the present Government had actually taught them by acts, far more potent than mere words, that they were a separate nation, and had powers of settling their own differences. This state of things had been going on for four years. Government had not interfered in the intestine wars, at Taranaki, Wanganui, Poverty Bay, and Tauranga; while at Hawke's Bay there had been four several wars, for two months, without any interference by the Government. He had no doubt at all that if the Government had interfered and told the natives that they would not allow them to go on in that way, but would refer the difficulties to leading chiefs of their own nation, all these differences might have been settled. Thus, having taught them to consider themselves as a separate and independent people, they next actually invited them to take up arms, by relaxing the wise ordinances with relation to the sale of arms and ammunition. Matters having been brought to this crisis—the natives, being first neglected and then taught that they were independent—had been encouraged to arm themselves, and then, at last, an opportunity had been selected which must of necessity bring on this struggle, for which they had been prepared (hear). The hon. member for Wallace county had said that the Government's only reason for taking up this quarrel had been to preserve the natives from war among themselves. However considerate and chivalrous to the Maori race may have been their intention, it exhibited an extremely small amount of forethought and of consideration for the settlers' interests, in selecting such a ground as they did for settling those small quarrels. He did not trace in the papers before this House that such was his Excellency's reason. Knowing, as the Governor must have known, of the existence of the King movement for four or five years past—knowing the progress it was making—it was most unfortunate that he should at that particular crisis effect a purchase where it would be necessary to enforce law by the presence of troops. He (Mr. F) was afraid that he could trace in these documents another motive of his Excellency's—a pressure from without, which, brought to bear on him, had led him into it inconsiderately (hear). When he remembered that ever since the reversal of Mr. Spain's award the settlers of Taranaki had looked with a desirous eye on the fair fields of Waitara; and when he remembered that the Native Minister was a member for Taranaki; and when he found a petition from the Provisional Council of Taranaki urging his Excellency to take measures to compel the Natives to sever their ownership, and assuring him that the Natives were too weak to resist—sentiments most unworthy of a British community—sentiments only worthy those whom his Excellency's advisers had styled "hoary "cannibals, living in a state of beastly communism;" when he considered these things, he thought that the motive of Government must have been quite as much to acquire land for the Taranaki settlers as to extinguish feuds among the Natives (hear). He was quite aware that he should have some remarks from the hon. member for Omata, that it was not intended to make the Natives sell their land, but to subdivide it. But all compulsion was contrary to the treaty of Waitangi ("No, no!") You propose compensation; but supposing that they refused to accept the compensation, would Government still take the land? In reference to that portion of the inquiry which related to Taylor's title, that was not the question for the House to consider; but the question was, whether the title was so indisputable and undisputed as to come within the Governor's pledge that he would buy no land when the title was disputed. The dispute should have been disposed of by other means before an appeal was made to arms. Though the war had been raging for many months, the purchase was not yet completed; if it had, why were not the title deeds on the table?

Mr. Richmond.—They were in the possession of the Chief Commissioner.

Mr. Fox.—It was very strange that they had been left out of sight.

Mr. Richmond.—The Governor had not completed the purchase when he ordered the survey. The purchase deed was not usually made out till after the money had been paid. In this case it had been thought prudent to make it out sooner.

Mr. Fox.—Then it appeared they had executed a deed before the purchase was completed.

Mr. Richmond.—Because in that state of disorder it was quite possible that some of the claimants might be killed.

Mr. Fox.—Then it came to this,—the Government had made the purchase in expectation of a war.

Mr. Richmond.—No, it had been completed since the beginning of the war.

Mr. Fox.—In no case had the Government made a legitimate purchase. It was generally considered that a survey was taking possession.

Mr. Richmond.—Perhaps the hon. member would show how, without a survey, they could make a deed—as a deed always had a plan upon it.

Mr. Fox.—But the hon. member had told them the other day that one of the boundaries was not yet drawn. What was the use of a survey with the principal boundary undrawn. The honourable member was playing fast and loose with them in an extraordinary manner. First, they had a deed, then they had not a deed. First, there was a survey, and then there was not a survey. The honourable member for the City had said that the gentleman at that table had learned better manners, but he (Mr. F.) had not found it out. The interruptions of the honourable member, however, had made his case all the worse. He (Mr. F.) thought it evident the title was not of that indisputable character required by the Governor's pledge. His Excellency had satisfactory evidence that there was a claim of some kind. He would put it on a single document—that letter from William King to the Governor, printed at page 6 of the papers. It was very singular that the Native Minister had never alluded to

this letter. But that letter contained an answer to the great question whether there was a dispute or not. King, in that letter, claimed some right to the land on behalf of his tribe, or some part of it. The honourable member had said that the land claimed was all Waitara; but documents of that kind must be interpreted with reference to the subject contained in them. Were the Government going to pay the money for the whole of Waitara? No, they were going to pay for a block of 600 acres. Therefore it was quite clear that what was meant by the name Waitara was the 600 acres. Mr. Parris had said that when this land was offered to the Government, the bystanders had said, "Waitara is gone!" Evidently they then used it to signify that 600 acres. Why, then, might it not have been used in other cases? At any rate it showed there was a claim, and the Governor's act was a rash one, and must necessarily have led to war. It was for the Committee to consider what were the Native customs with reference to the tenure and disposal of lands. The honourable member for Wallace county could find no definition of "mana."

Mr. Bell.—None applicable to this case.

Mr. Fox.—Then he would give him one. The Governor himself had defined it to be a feudal right, as distinguished from the proprietary right,—a right held by some person to administrate land independently of a right to occupy it. His Excellency had said to the Native, "the 'mana is not with "William King." If there had been no "mana" he would have made no such observation. His Excellency must have felt that it was a thing of some consequence, as it no doubt was, and the omission to acknowledge this tribal right had led directly to the war. He would mention one more point, with reference to the claimants who had been passed over at Otaki, Waikane, and Wellington. Were they to be compensated? Why did not the Commissioner go to these places to seek out what claimants resided there? It was said he had done so. He had been to Queen Charlotte's Sound, where the head of the Natives was a known enemy of Wiremu Kingi. Why had he not gone to Waikanae and Otaki where Wiremu Kingi's people had been residing for 20 years, and many were living there still. They had not got rid of that great difficulty, that those Natives had not been consulted. There was an outstanding body of claimants who had at that moment denied the title, but are unable to pursue their claim. And with such an incomplete purchase, hurriedly effected, and without any foresight of the consequences, the colony had been plunged into war. The hon. member concluded by saying he felt bound, as a member of that House, as a man, and as a citizen, to vote for an inquiry.

Dr. Monro said that he rose with considerable diffidence to address the House, after the eloquent speech they had heard from the hon. gentleman who had just sat down. But as he made no pretence to oratorical display, and merely wished to say a few words which he thought it was his duty to say on the occasion, he trusted he would have the indulgence of the House. He had hitherto been a listener, receiving as Wiremu Kingi phrased it, the "word of enlighten-"ment," and he had heard all that had been said in debate, and had carefully read all the papers that had been laid on the table of the House; and he now rose to state the conclusions he had arrived at; for he should be sorry if, being silent, his silence were to be construed into the belief either that he had formed no opinion at all, or that he had the smallest doubt of the justice and policy of the steps which the Governor, with the advice of his responsible advisers, had felt it his duty to take. He trusted he might be allowed without presumption to say that the debate which had taken place was at once remarkably interesting and instructive. The subject at issue had been handled with ability by men intimately conversant with it in all its details. It had been characterized also by fearlessness of speech, and an earnest desire to do justice (hear, hear), and he thought that after all they had listened to, it would be impossible to say that the Maori race, if not literally represented in that House, was in point of fact virtually represented there, and by advocates of much ability too. (Hear, hear.) The hon. member for Wanganui had said that on the right solution of certain questions depended the issue of peace or war. He wished he could bring himself to believe with the hon. member that such was the state of affairs. But he took a more gloomy view of the case, and believed that they had war already, or at all events an insurrection of such a character that it would require the utmost exertion of their vigour to suppress it. It was not in his view of the case a question of the future or the possible, but a question of the present. (Hear, hear.) He did not think that hon. members generally were sufficiently alive to the very critical position of the Colony. He did not wish to be an alarmist; but true courage did not consist in turning the face aside from impending dangers. He would also wish to impress upon members who addressed this House, the necessity of care and discretion in the language they used. He was told that the Native race were listening with extreme attention to their debates, and narrowly canvassing their proceedings (hear, hear), and that the words spoken in this House were caught up by them, and produced very considerable effect according to the nature of the words, either for good or evil. (Hear, hear.) He would therefore respectfully submit to hon. members whether the circumstances of the Colony did not require that they should put some restraint upon their tongues. It would be unnecessary for him to say that the present occasion was one which required vigorous and united action; and he could not suppose that any hon. members would so far lose sight of public duty as, in a crisis of this sort, when the maintenance of authority, the existence of a neighbouring Province, and the lives of its inhabitants, were at stake, to act upon any considerations of party spirit. (Hear, hear.) But he would put it to hon. gentlemen on all sides of the House, whether it would not be well to leave some things unsaid which they might perhaps wish to say, and by such a continence of the tongue thus refrain from heaping fuel upon a fire which was already burning too fiercely. (Hear, hear.) It had often been said, and there was much truth in it, that Parliamentary Government was not well adapted for the successful conduct of public business, in emergencies requiring secrecy and concentration of force. The debates in Parliament in the early part of the Crimean war would be fresh in the recollection of many of his hearers; and they would remember that while English operations appeared to be hampered by conflict of authorities, and the requisitions of a machinery rendered necessary by the peculiar form of our Government; while the consequences of this were tardiness and indecision of movement, in the first instance, at all events, our allies the French appeared to have an immense advantage, and contrasted with us most favourably both in their condition in camp, and in the celerity and secrecy of their movements. If any advantage were to be gained from secrecy and celerity in carrying on war with a civilized enemy, how much more essential was it that we should be extremely careful, not by an unnecessary amount of talk to divulge our plans, or even to allow expressions to escape from us which might tend to infuse fresh courage into those who had already taken up arms, or drive those who at present wavered into the ranks of the rebels. (Hear, hear.) He trusted that this debate would not be continued much longer, and he thought that the course most consistent with a sense of public duty would be this,—that when the vote was once taken, the minority should consider the questions raised as concluded, and instead of keeping up a constant and chronic irritation upon questions which could now lead to no practical issue, they should admit that the great point to be attained was prompt executive action, and a hearty co-operation to rescue the Colony from the most imminent danger which impended over it. (Hear, hear.) He agreed with a good deal of the early part of the speech of the hon. member

for Wanganui. He thought with him that the causes of the Taranaki war were to be looked for, not solely in the proceedings of the last few years, but even to be referred to causes of an earlier date. He could not, however, agree with the hon. member in censuring the present Government for not having proclaimed Native Districts, as empowered under the 71st clause of the Constitution Act. If anybody was to blame for that, it was Sir George Grey, who, when authorized to proclaim six provinces in New Zealand, found it the easiest way to do it, to divide the whole Colony into these provinces, instead of carrying out the manifest intention of Parliament, that the provinces should contain merely the settled districts; and he could not help thinking that if, after the limits of the Province of Wellington had been fixed by Sir George Grey, the present Governor had thought proper to curtail its limits by cutting off a portion for a Native District, there would have been a prodigious outcry; the general Government would have been denounced as actuated by the worst possible feeling to Wellington, and the cause of separation declared to be imaginary and absurd. (Hear.) The next subject in the hon. gentleman's speech, on which he had made a note, was one to which he referred with pain. The hon. member had, as he thought, in a very ungenerous and unwarranted manner, cast imputations upon the settlers of Taranaki. He had said of these settlers of Taranaki that they had urged the Governor to acquire lands from the Natives at Waitara in an unjust manner. He read extracts from a memorial of the Provincial Council of that place, from which he wished to deduce the consequences that the Governor had been urged, not only to violate the Treaty of Waitangi, but to do it in a manner only "worthy of cannibals." He believed that the document on which the member for Wanganui grounded such a charge did not sustain any such inference. He believed that it contained a very reasonable request, that the Governor would pursue a certain course with regard to land dealings quite in accordance with the Treaty of Waitangi, and fair and just to both settlers and Natives. But he would leave this special charge to be dealt with by some of the members for New Plymouth, who no doubt could prove its utter groundlessness. There was one thing, however, about the thunders that the hon. gentleman launched at the heads of the unfortunate Taranaki settlers, that was not a little remarkable; and that was the hon. gentleman's new-born zeal for the inviolability of the Treaty of Waitangi. (Hear, hear.) To infringe upon any of the conditions of that Treaty was now, in the eyes of the member for Wanganui, a proceeding unworthy an English gentleman, worthy only of a cannibal. Did the hon. gentleman remember the New Zealand Company? (Hear, hear.) Was that hon. gentleman, first for many years a local agent, and then the general agent of the Company, and had that hon. gentleman forgotten that the New Zealand Company wrote to Lord Stanley, and advised him to set aside that treaty altogether as nothing better than a "praiseworthy device to amuse naked savages." (Hear, hear, and cheers.) Did the hon. gentleman, when he read this, consider Joseph Somes, the Chairman of the Company, a wicked cannibal? (Laughter.) Did he denounce such monstrous injustice, unworthy of Christian gentlemen or civilized men. (Hear, hear.) Did he, as he has taunted the hon. member for Omata, did he pack up his carpet bag, and leave the service of such a pack of scoundrels? He had never heard that the hon. member for Wanganui had done anything of the sort. (Hear, hear.) There was one thing upon which they were all agreed, that not only the Treaty of Waitangi, but that all obligations which the Crown and Local Government had contracted towards the Natives must be faithfully and religiously observed and acted on. But if, unfortunately, a different temper had prevailed, and if it had been resolved to violate the Treaty, he did not know a single man in the House in a worse position to throw stones than the hon. member for Wanganui. (Hear.) And, with regard to these unfortunate people of New Plymouth, was it possible to contemplate their condition and sufferings without the most heartfelt pity. Through the caprice and weakness of Government they had been robbed of their territory, jammed up into a corner, oppressed and insulted by the Natives, had seen all their prospects for the future destroyed, and now the fruits of years of ill-requited toil were swept away, themselves and their wives and families houseless. It was impossible to read the papers relating to the Taranaki land question, and not see that they had been the objects of cruel oppression and neglect by Government. It had been said more than once in the House, let them be just to the Natives, and that sentiment had been invariably applauded. It was a sentiment that had his entire concurrence, but yet it did not fully state the case. He would say, let them be just to all, to settler as well as to native; and while solicitous for the rights of the Maori, let them not deny justice to those of their own blood and lineage, who, like the settlers of Taranaki, had shown the high qualities of their race by their careful endurance of privations, and their courage in the field of battle. (Hear, hear.) Of all the arguments that had been used to prove the Government in the wrong, there was but one which appeared to him to have any semblance of force about it, and that was the argument which had been used by the hon. member for Wanganui, "Why did the Governor buy a piece of "land about which there was a dispute, after declar-"ing that he would not do so." In answer to this he would observe, in the first place, that there was no evidence that Wiremu Kingi asserted a proprietary claim to Te Teira's land; and, in the second place, if hon. members choose to assume that he did, it was quite clear that disputed land could mean only such land as was in dispute between two parties, both of whom could put forward some show of title. It could never surely be supposed that the Governor meant to say, "wherever the title of any Native is contested by "another putting forward any sort of claim, though it "be even palpably unfounded, I will decline purchas-"ing." If this was to be the interpretation of the Governor's words, then it would clearly be in the power of any Native land-leaguer to stop the purchase of land all over the Colony. All he would have to do would be to put forward a claim (whether with or without shadow of right was perfectly immaterial), and in that case, according to the member for Wanganui, any further action on the part of the Governor would be arrested. This would certainly be placing the land league in a position to have the whip hand of the Government. The hon. member further observed, that it was clear that when the King had said, "Wai-"tara is ours," he asserted a claim to the special block offered by Te Teira, because when the latter had laid his mat at the Governor's feet, and the Governor had taken it, the assembled Natives said, "Waitara is "gone." It was clear, however, from the evidence of persons who knew the locality, that the term Waitara might mean more or less, just as the term Waimea about Nelson might mean either the East Waimea, or the South Waimea, or the West Waimea. But was there not another and a much more natural inference to be drawn from these words, "Waitara is gone." Was it not the most natural interpretation to believe that the Natives, when they used these words, meant to say, "Waitara is no longer ours, it has been sold by its "rightful owners." Was it likely that the Natives would have admitted that it was gone if some one among them who had no claim to it had pretended to sell it to the Governor. (Hear, hear.) It was his invention to vote against the motion for a Select Committee. He had not the least fears of the result of any inquiry; but it did not appear to him to be a case for the action of a Committee. Select Committees were very useful where there was a mass of documentary evidence to be examined, or a multitude of figures to be looked through, or any sort of work done for which the whole House was too large and cumbrous. But this did not appear to him to be any such case. The material points were not wrapped up in any such multitude of details, and the issue was one of such very great im-

portance, that he did not think the members of the House would be justified in delegating to a fraction of their number those judicial functions which it was their duty individually to exercise (hear, hear). He was, further, entirely at a loss to see how a Committee was to prosecute its inquiry satisfactorily. The member for the Bay, he observed, had refrained from appending to his motion the customary words with power to call for persons and papers. If the motion were to contain these powers, and if his hon. friend could persuade the House that the power so given could be put in practice, he would be very much tempted to vote with him: because, in that case, the first witness that they would call for would be Wiremu Kingi himself, and it certainly would be very desirable to have him at the bar of the House. If his hon. friend, instead of moving that the report be brought up on the 31st August, would move that Wiremu Kingi be brought up on the 31st August, he would vote with him with pleasure. There were, no doubt, members of the House, who were prepared to go into questions of Maori title, and could grope their way through genealogies, and trace the line of rightful descent and succession of property through all the incidents by which it was affected, or supposed to be affected, in a savage state of society, with nothing to refer to but vague traditional usages. But with him, as with the great mass of members, he believed that this must be a case to be judged upon authority. In this, as in many other things, the wisest course was to take the opinion of those who had considered the subject with special training and experience. So long as he was satisfied that the opinions on which the Government had acted were honest and unbiassed, and so long as he could detect no inconsistency between the printed evidence and the conclusions arrived at, he must believe them to be right. The gentlemen who had been concerned in the matter were acting under a due sense of responsibility, and the case was one which appeared to have received the most careful consideration. He considered himself justified in placing full reliance upon these circumstances, as also upon the fact that all the steps taken must have been subject to careful inquiry and study by the Governor himself, and had also received the unanimous approval of his Executive Council. But the motion of the hon. member for the Bay involved a wider range of inquiry than the title to this block of 600 acres. It was proposed to institute an inquiry into the causes which led to the Taranaki war. In his opinion this opened up a very wide field of inquiry; for the causes of the existing state of things had, he believed, been in existence ever since the Colony had been created. He was prepared to endorse much that had fallen from the hon. member for Wanganui on this subject; but, whereas that hon. gentleman had taken the administration of colonial affairs by Captain FitzRoy for his starting point, he would go still further back. He held that the present state of things was a legacy which had been bequeathed to them by every Governor; and that they were now reaping the fruits of a long course of feeble and short-sighted management. If, when Great Britain declared New Zealand a British Colony, she had placed at the disposal of her representatives the proper means to maintain her authority, the influence of the British name might have been preserved to the present day, and bloodshed and national animosity avoided. But with her characteristic neglect of her Colonies, and under the influence partly of a penny wise economy, and partly of a weak sentimentalism, her first Governor entered upon the duties of his office with the physical support of a serjeant and four troopers of the Sydney mounted police (hear, hear), and with so much or so little money as the Government of New South Wales might choose to lend him (hear, hear). Weakness and want of means embarrassed the action, and in all probability shortened the life of an honourable and conscientious public servant, who deserved better treatment at the hands of his Government. The position of Captain FitzRoy in the Colony was still worse, because the inevitable fruits were beginning to develope themselves, and the British name was daily sinking lower. The four troopers of the Sydney police had been replaced, it is true, by 100 soldiers, and the connexion of dependency between N. S. Wales had been severed. But want of power and poverty had the unhappy Governor completely in their grasp, and drove him into the commission of a series of political antics, which made many people entertain doubts of his sanity, and finally led to his recall from his office by the Secretary of State. Sir George Grey was the first Governor who was placed in anything like a proper position; and, having the means at his command, he was enabled partially to restore the authority of Government in districts where it had been trampled under foot, and to adopt some other measures of a sound character, but which required a certain amount of strength for their enforcement—of these perhaps the best was the Arms Ordinance. But it was impossible to justify Sir George Grey's conduct at Taranaki—for it amounted simply to this, that after trying to bully the Natives, and declaring that he would enforce certain things, he submitted to be bullied himself, and presented them with the demoralizing spectacle of a British Governor holding language which he did not mean to act upon, and beating an undignified retreat. It was given as a reason by Archdeacon Hadfield why he had not communicated the contents of William King's letters to the Governor, that he really did not think it was of much consequence; he had not the least idea the Governor was going to take the steps he did. The ven. gentleman's process of reasoning was founded upon his experience of Sir George Grey. But he was altogether at fault when he had to deal with a Governor who kept his word with the Natives, and did what he told them he would do. This was a proceeding so unlike the feebleness and temporizing of former Governors that the archdeacon was completely taken by surprise, and found himself quite out of his reckoning (hear, hear). But if this course had been consistently pursued from the first, was it not reasonable to suppose that British authority would now be standing upon a firmer basis, and that no such event as this wretched insurrection at Taranaki would be possible. A firm and consistent course of policy would have cost Great Britain some money at the outset, and would have required the occasional exhibition of physical force. But it was now becoming every day more apparent that it would have been much the cheapest plan in the long run, and much the most humane (hear, hear). What they had now to do, in his opinion, was to act with all possible vigour and promptitude. The *prestige* of the British name, and the weight of British authority, had been allowed to sink very low. They should endeavour to re-establish them, and to re-establish them securely. He had heard various speakers make reference to schemes of Native policy and plans for future dealings with the Natives, which he had no doubt were very wise and good. But he confessed that the present crisis appeared to him so serious that his eyes were rivetted upon it, and he had some difficulty in looking far beyond it. What he wanted to see accomplished in the first instance was the subjugation of rebels, for rebels he must hold them to be, notwithstanding the delicac of some members on this subject. He believed that the Natives generally were looking to the issue of the present struggle with the utmost interest; a speedy and decided success on our part would have a greate moral effect on the Native mind than any laws they could pass. If we sustained reverses it would be difficult to answer for the consequences. Moreover, legislation implied subjects (hear, hear). But if it were true that there were some 2,000 Natives in arms against us, it might be asserted that not far from a fourth of the Native population were rebels. Was this a time, he would ask, for them to be squabbling among themselves over the relations between the Governor and his responsible advisers, or consuming night after night in discussing the expediency of giving Crown grants to the Natives. He had no objection

to consider these questions, and he trusted that these and all other measures calculated to do justice to the Maories, and secure their advancement, would receive every attention at the hands of this House. But he protested against its being considered that this was the principal or only work that they had to apply themselves to. The Colony was in flames; and what should they think of the crew of a vessel who, when the ship was on fire, instead of battening down the hatches or pumping in water, were to begin resolving that they never would carry greasy wool, or speculating upon the liability of coal to produce spontaneous combustion from its containing iron pyrites (hear, hear). The first thing to be done where a house was on fire was to put the fire out; the first thing to be done in this Colony was to establish the Queen's authority. He believed that he was only expressing the views of his constituents when he said that he was most desirous to give all fair and reasonable assistance towards this great object. He therefore trusted that Ministers would lay before them at the earliest possible period the financial aspect of the case, and believed the House would show by its votes that it recognized this to be a crisis of no ordinary magnitude, and was determined to make sacrifices even if required to do so to support the Governor in a just cause—to put down rebellion, and to vindicate the supremacy of law.

Mr. Brown supported the motion for inquiry. He believed it would have no injurious effect on the Native mind, and that it would have a useful influence as to the terms we might offer when we had subdued them. He could not see what harm inquiry could do. We had, it was true, quite enough to do at one place; but what if the flames of disaffection should spread to Wanganui and Wellington? It was all very well to discuss schemes of philanthropy; but if we cut away the root of confidence in us on the part of the Natives, how could we expect those schemes to work beneficially.

Mr. Sewell said that, agreeing as he did with so much which had fallen from the last speaker, he regretted that he was obliged to dissent from a portion of his remarks. He understood him (Dr. Monro) to say that the exclusive object to which their attention ought to be directed was the vigorous prosecution of the war.—[Expression of dissent from Dr. Monro. Not exclusive.]—He latterly concurred in the opinion that it was their duty by all means to strengthen, as far as lay in their power, the arms of Government; but he did not perceive in what distinct form the Legislature could contribute to that object; unless indeed by supply of money, for which, in case of need, he was prepared to vote. As to any measures of Legislation, framed with this view, if any such should be submitted to them, he for one would be glad to support them. But he (Mr. Sewell) considered that the special duty devolving upon them was to consider the causes which had led to this state of things, and to devise suitable remedies. The case required not merely local but constitutional treatment. The hon. member had said that it was not the time to enter on speculative questions, such as contriving schemes of government for the Natives, or promoting the colonization of the country—whilst we were dealing with rebels in arms. But he reminded the hon. member that those rebels in arms constituted not more than a fraction of the whole Native community—the larger portion of whom were still loyal subjects, though hanging in a state of doubtful allegiance—and in course of gradual absorption into the ranks of the rebels. He considered it their duty if possible to arrest the progress of contagion. Or could it be said to be an untimely occupation to devise some plan of government for the Natives when they were demanding it from us. How should they deal with the application just made of a vote to enable the Governor to repeat the Native Conference at Kohimarama? Or could it be said to be inopportune to settle, if possible, the land disputes of the Natives when we find ourselves involved in a war arising out of those disputes. He (Mr. Sewell) considered that these were the matters to which their minds ought to be principally directed. The conduct of the war did not depend on them. It was matter of Imperial concern, and they could not exercise any influence over it. As to the immediate question before us he had already expressed the opinion that he believed it was undesirable to attempt any investigation through this House of the matters in controversy. It would be idle to attempt to unravel the question of King's or Teira's title. But to his mind the position of the Government was clear. It was impossible to say that the opportunity for a hearing had not been afforded to Wm. King. The Governor had gone himself to Taranaki, and invited him to meet him, but the invitation was declined. He did not think it possible to charge the Governor with precipitation. Under these circumstances his own mind was decidedly adverse to further inquiry in any shape. The case, however, had assumed a difficult form, from what occurred in debate. Charges had been made and counter-charges; Archdeacon Hadfield's name had been promiscuously introduced. He (Mr. Sewell) desired to speak of that gentlemen in terms of the most sincere respect—but so far as he (Mr. Sewell) could form a judgment, he regretted the course which had been taken in the present instance. He referred in particular to the two letters which had come under their notice, from which he inferred that the Archdeacon had expressed an undue sympathy with Wm. King in his resistance to the Governor's authority. That, in his opinion, was not the course which loyal subjects of the Crown should take under such circumstances. After all which had passed it would probably be the most satisfactory course if the Archdeacon were requested to attend at the Bar of the House to give evidence as to the causes of the war. He should be sincerely rejoiced if the explanations which he might give should remove the impression which had been produced. The Government might then have an opportunity of producing Mr. McLean as a witness at the bar. He understood, in fact, that that course would be satisfactory to the Government.

Mr. J. C. Richmond said: I am not going to make the amendment of the hon. member for Hawke's Bay an excuse for entering again into the subject in debate, but the indulgent treatment which this House accords to all who get up in defence of personal character induces me to call your attention to two matters arising in the present debate, which justice to individuals demands that I should remark upon. First, I must again bring to the notice of the House the celebrated letters of Wm. King to Archdeacon Hadfield. These letters are like the inexhaustible purse of Fortunatus; put your hand into them when you will you always draw forth some new treasure. Sir, I have not had the originals in my hands, nor till I saw translations in the *New Zealander* newspaper yesterday had I read the whole translation. The hon. member for the City (Mr. Forsaith) has objected to these translations in the *New Zealander*. I now hold in my hand the translation made in the Native office, which I observe is the same as that printed in the newspaper. And I may say of it, that it bears on the face of it the appearance of being a good one; it is literal. The hon. member has favoured the House with translations of several passages, giving, as he says, the force of the original—I should rather call them the original emasculated—the original without its force. (Hear.) I say this with some confidence on the strength of my general acquaintance with several other languages; though my knowledge of Maori is only slight, the principle of the hon. member is to assume his hearers quite incapable of understanding the figures and metaphors which abound in all language, especially in the Maori; and he supplies their incapacity at a great risk. The hon. gentleman can verify the translation of this passage, which I now proceed to read to the House:—

"Mr. Parris has also talked of my being shot with

a gun, and simply burying me outside in our cultivations (I am) not to be taken to the graveyard. It was his plan (or idea) to fetch te Waitere (Katatore), he died, and in like manner by Mr. Parris I shall die."

—Now, Sir, I am not surprised the hon. gentleman should not have read this passage to the house—I speak without any sneer—I am sure that even guarded with an "if," he would not have liked to give currency to such a charge as I shall show it to contain. It was not perhaps known to him, but it is a fact, that the day on which Katatore was murdered was the first on which he had ventured to quit the protection of his pa and his supporters. He came on the invitation of Mr. Parris to talk with him on the sale of the Tarurutangi land. It was Mr. Parris's plan to fetch him, and he died as the letter says. Take this fact in connexion with the statement that Parris desired his death, and the charge insinuated is plain enough—a charge before which that to the disproval of which this house rightly devoted its steady attention for four or five hours last night pales into insignificance. Parris was the accomplice of Ihaia and the rest in compassing the death of Katatore! He is a murderer of the worst kind, hiding his dark treachery under the cloak of friendship and business! This charge has gone abroad and will reach to the furthest corner of the islands: it is fair, therefore, that it should be clearly brought under the notice of the house. I do not say that because W. Kingi is a Maori this charge may not be true,—but I must say that a mountain of evidence will hardly convince me, knowing the man against whom they are levelled, that the least of the charges contained in these letters is warranted. To me they prove almost incontestably that the writer of these letters who recklessly murders what to us is dearer than life—I mean character—will not scruple at anything to attain his ends (hear, hear). I now come to the second point to which I wish to advert, the attack of the hon. member for Wanganui on the Provincial Council of Taranaki. I am not in good physical condition, nor am in parliamentary training to enter upon a battle of words with this American giant of Wellington beach; the house will perceive that it is impossible for me to reply in so loud a key as that in which the hon. member shouted his vituperations against the Provincial Council of the least of the Provinces. But I do not shrink from meeting the attack, because I rely on the good sense of the house, and the obvious truth of the case. I may say that I was not a member of Council when the petition he has referred to was adopted. I am not therefore bound by it; but notwithstanding what has fallen from the hon. member, and in the face of his charge of cannibalism, I am ready to say that I think the petition wise and well drawn, and that I am willing to adopt its opinions. Perhaps the best way to rebut the accusation will be to read the passage referred to.

"That the system heretofore adopted by Government, of requiring the assent of every claimant to any piece of land, before a purchase is made, has been found to operate most injuriously in this Province, on account of the conflicting interests of the claimants; and that the sufferers by this system are invariably the men who are most advanced in civilization, and who possess the largest share in the common property. Your memorialists are therefore of opinion that such of the Natives as are willing to dispose of their proportion of any common land to the Government should be permitted to do so, whether such Natives form a majority or only a large minority of the claimants; and that the Government should compel an equitable division of such common land among the respective claimants, on the petition of a certain proportion of them."—[*Mr. Fox:* Read on.]—Mr. R.: I will read on:—"That in the opinion of your memorialists no danger of a war between the Government and the Natives need be apprehended from the prosecution of a vigorous policy, inasmuch as a large proportion of the Natives themselves would cordially support it, and the remainder would, from the smallness of their number, be incapable of offering any effectual resistance."

—That, I suppose, is what the hon. member requires. These are the opinions, not the prayer, of the Provincial Council; on these the charge of cannibalism rests. The last paragraph may or may not have been a right view, but many persons think, myself among them, that two years back it would have been possible to end the feuds by authoritative interposition. This was the encouragement, not the justification, of interference, the justification is set forth in the body of the petition (hear). Well, Sir, what about the Treaty of Waitangi? An hon. friend has referred me to the hon. member for Wanganui himself in former days for the value of that document. I am not going to appeal to this authority; he is not the sort of authority I care to appeal to. I have watched the course of that hon. member—(whose light has not been hid under a bushel)—for some years past, and I have arrived at the conclusion that politically we defer *toto cælo*. I do not ask him, therefore, whether the Treaty of Waitangi is or is not "waste paper." And it will be needless to go into the question, for its provisions are not attacked in the Memorial. If the Treaty of Waitangi is like other treaties, it has its two contracting parties. The Chiefs of New Zealand, by it, accept the Queen's sovereignty. Now let the house remark that whilst this petition was in Council battle was raging, in defiance of all authority, within the Settlement of New Plymouth. The Governor's Proclamation was set at naught by armed parties marching through the town; this I assert, whoever may have denied it in this house (hear). The Treaty, then, was at an end as far as these tribes were concerned, and by their act. By the letter of Treaty, perhaps all the island might be said to be compromised; but I hold by the spirit, and say, at least as regards these combatants, it was dead (hear). My friend, the member for the Grey and Bell District, has put into my hand Governor Grey's instruction to Mr. McLean, altogether repudiating the claims of the Ngatiawa tribe on the land, except so far as money compensation; and I may refer the house to the despatch of the same Governor to Earl Grey, March 1847, both in the "Papers on the Taranaki "Land Question," to the same effect. I will not read those to the House. Sir, the petition has no humbug about it (hear, hear), it plainly states all the wishes of the petitioners; I perceive by the smile of the hon. member for Wanganui, that he considers I have made an admission. Well, he is welcome to it. The people of New Plymouth did and do desire to reclaim the waste places of their district (hear, hear), and I have yet to learn that this house considers that to be cannibalism (hear, hear). Enough, however, has been said to show that this charge recoils on the head of the hon. member. [*Mr. Fox* rose to explain. He had not said that the petitioners were cannibals; he did not suppose that the people of Taranaki had not yet advanced beyond the stage at which men eat one another; but he said that to ask the Governor to compel unwilling persons, because they were weak, showed the spirit of cannibalism.] Sir, let the explanation of the hon. member go for what it is worth. The people of Taranaki—at least I—have certainly not advanced beyond the stage when the substance is preferred to the shadow (hear, hear). We shall gratefully remember the compliment of the hon. member. We are substantial, but not formal cannibals (hear and laughter).

Mr. Daldy thought that hon. gentlemen would better perform their duties if they kept closer to the subject; he would endeavour to do so himself. He would yield to no man in his loyalty, but he remembered that under a constitutional Government they enjoyed the privilege of speaking even of the Sovereign or her representative as freely as they pleased (hear). Every one who had spoken against the inquiry had made that inquiry the more necessary. He thought that the discussion would not have been carried to the length it had if the Government had come forward in the terms of the address to ask for our advice. Had

they done so? No. The House had had nothing put before them. The real question of what they were to do had not been brought forward. The proposed inquiry did not extend far enough; the real subject for inquiry was the state of the country at the time when war was commenced (hear). He believed the Governor himself had not expected war. The Ministers had perfectly agreed with the step he took; and he did not think they expected war either. What was the state of the country when war was commenced? It had been said that in a short time war must necessarily have arisen in this country from existing circumstances; and that the Governor had chosen this as a fit opportunity. If so, why did they choose the time of winter? And in what state was this Province? When the people came forward, prepared to act in its defence, we had no arms to give them. Yet a month after the proclamation of martial law, a vessel sailed for England actually taking away arms for England (hear). He thought this should be explained. He could say nothing about the state of the Southern Provinces, though he believed they were in as bad a state. The whole country was totally unprepared for war. He believed that war had not been expected, but that Government had drifted into it unconsciously. This appeared plainly from the papers in their hands, and was the conviction of the people. He must express his conviction that when war ceased, the Governor could not treat with the Natives, because he had lost his prestige with them. Hon. members had said, "Remember the effect you "produce out of doors." The effect had commenced outside, and was coming in this House—not going out of it. He was bound to declare that there was a want of confidence in the Government out of doors. When the opportunity offered, what terms were the Government prepared to offer to the Maories? Whatever want of feeling there might be toward the Governor and Government, there were yet other men in whom the Natives had confidence—that they would not allow injustice to be done them. (Hear, hear.) Then let not a feeling of pride, or of servility to the Government, prevent them from doing substantial justice to the Maories. The inquiry ought to go back to the real cause of this war—the vacillating policy with which the affairs of the country had been conducted for the last five years. It had been said that great part of the Natives had never seen the Governor's face; but it was not to the Natives only that it was unknown, but to a great part of the European population. None could bear better testimony than himself to the disposition of the Governor, on his first arrival, to acquire information about the Natives. But of what avail was knowledge not made use of? and what use had been made of it? What prompt measures had been taken on any one occasion? There was a question now at issue between the Government and the Missionaries which must be settled, whether right or wrong in the part they were now taking. The Missionaries had taken great part in the colonization of this country, and had done a great deal of good (hear); and their conduct ought not to be hastily condemned (hear). When the little bills came to be presented, what would the Home Government say? They would say, "They have a constitution, and representatives elected by the people, including men who have been in the Colony 20 years. Is it not strange that there is no expression of opinion on their part?" The first thing looked for in England, on hearing of this war, would be their opinion on the causes and circumstances of it. If the House were not to express this opinion, why did not Ministers say, "Gentlemen, we want you to pass an Appropriation Bill, then you can go home again." He did hope and trust that the House would grant a full and free inquiry into the causes which had led to this war, and into the state of the country when it was commenced, as well as intently consider the future mode of administration. He was sure no ill effects would be produced on the Native mind. He thought that one of the great causes of war had been a reluctance to communicate freely with the Natives. There was absolutely no means of communication from one part of the Colony to another. He trusted the House would grant the inquiry.

Mr. Richmond said: A very wide field had been traversed in this debate by the hon. member for Wanganui (Mr. Fox), and the hon. member for the City of Auckland (Mr. Daldy). I refuse on the present occasion to follow those hon. members into this wide field. I refuse on this motion to discuss the past Native policy of the Government. Nor shall I even say one syllable to vindicate myself from the aspersions cast upon me as a public man. On that subject I will make no protestations—being convinced that those who know me need not that I should make any, and to those who do not know me, I care not to protest. I rise but to say a few words in vindication of his Excellency. I do not make it a matter of reproach to the member for the City of Auckland, and the member for Wanganui, that they have freely canvassed his Excellency's conduct in his relations with the natives; such remarks are inevitable. But I ask this House, in common justice, to take into consideration the difference of position between his Excellency and that of his predecessor Sir George Grey, with whom his Excellency has been unfavourably contrasted. I will ask hon. members, in what state did his Excellency Governor Browne find the Colony? The great machine of representative Government for which the hon. member for Wanganui and others had been long clamouring, and which Sir George Grey had long delayed to introduce, this great machine, I say, was just in full working order, when its great author left our shores—and left the task of guiding it to his successors. It is made a subject of censure that his Excellency has not by personal intercourse with the Natives, and by frequent visits to them in their own districts, maintained the sort of influence which Sir George Grey had acquired. Now we all know what the Natives are. I have heard it stated to be a fair criterion of the Native Chiefs, in their pure native state, that they always beg. I mean the old Blanket Aristocracy. This defines them. [Mr. Sewell: A begging animal.] Yes, that is a distinctive mark. You cannot approach one of this class (now, it is true, rapidly passing away) but he will beg. Even the late King Potatau was in the habit of asking a hikipenny from the Native Secretary after an audience with his Excellency. Now what would have been the position of his Excellency if he had exposed himself to constant solicitations which he had not the means of complying with? Governor Grey had a large Parliamentary Grant, he had men, and ships, and money; but how stood the case with Governor Browne? Why the sole fund for Native purposes—the 7,000*l.* on the Civil List—had been given away by Sir George Grey on his departure, and having originated a constitution on a basis of extreme democracy he left his successor to come down to this House, and beseech for supplies. The truth was that with the new constitution—the reign of mere personal influence with the Natives—it might be for good, it might be for evil, was at an end. But it had been charged against us that we as well as the Government have neglected making ourselves personally known to natives. Now under the present arrangements there was but one authority in native matters, that was his Excellency. As Minister for Native Affairs, I have rather avoided than sought official intercourse with natives. I have kept in the background, and when I have necessarily had such official intercourse, I have carefully abstained from assuming any position independent of his Excellency the Governor. I have always told them that I was only one of his runanga—only his adviser—that I was his ear to hear and report, but not his mouth to speak and to decide—that I was, for all purposes of merely Executive Government, as much the Governor's servant as were the officers of Government under the old system. I will close my remarks by stating, although the Government are pledged not to oppose inquiry, we reserve to ourselves the right of expressing an opinion as to the form this inquiry shall take. I am not sure that we were right in taking a neutral position. Perhaps we

were too squeamish—we treated ourselves as accused parties—the hon. member for the City, I think it was, who elegantly called us "culprits." But every Government whose policy is attacked are accused parties. I don't see that this is a peculiar case. However, right or wrong, we adopted the position of neutrality in reference to the question of inquiry, and of course we mean to keep it. I think that the best form in which that inquiry can take place is that suggested by the honourable member for Christchurch. I cannot help thinking that the turn which this discussion has taken is a great misfortune. But having gone so far as we have, there is no drawing back. It would, I think, be a still greater evil if the reverend gentleman who has come up here expressly to move this question should return and be able to state that the General Assembly refused to hear him. I confess that the line taken by some honourable members has amazed me. I could not have thought that there were men in this Colony with so little sense of the public service; and I must say it raises in my mind some serious reflections as to the fitness of Parliamentary Government for a country in the position in which New Zealand stands at the present moment.

Mr. Dillon Bell said: It is much to be regretted that this debate has taken a range so wide from the true subject of discussion. Instead of deciding whether we shall inquire into the circumstances which led to the Taranaki war, we are going into a number of other subjects which have nothing to do with it. But since hon. members have chosen to adopt that course, they cannot complain if others are obliged to take notice of what they say. I desire especially to address myself to what fell from the hon. member for the city (*Mr. Daldy*) in reference to the Governor. Now of course every one is entitled in this House freely to express his opinion on the Governor's conduct in reference to Native Affairs, the responsibility for which is retained by his Excellency; and it is not with the language of the hon. member that I find fault, but with the sentiments to which it gives expression. I cannot understand the justice or the fairness of the feeling which the hon. member tells us exists out of doors against the Governor at the present time. Let me ask the hon. member what has really been the course pursued by the Governor in relation to the European race and the Maori. In the first place, as regards the colonists, I defy any one to say that the Governor has not most faithfully carried out every engagement he entered into with the Assembly. On the introduction of the principle of Parliamentary Government, he unreservedly surrendered every authority or influence in the administration of affairs, and has never interfered in the slightest degree in the conduct of public business, whatever party possessed for the time the confidence of the Legislature. He cannot justly be held responsible for a single error of policy in connexion with the interests of the European race, neither on the other hand has he claimed any credit for any success which may have attended the measures proposed by Ministers. But what about the Maori race? The House will remember that when the first Native Bills were introduced last Session, it was announced that they had the cordial concurrence of the Governor; and this announcement contributed in no small degree to the general approbation with which they were received in both Houses. But when the Territorial Rights Bill was introduced, though it is true no similar announcement was made, the Assembly was not informed of the fundamental difference of opinion which existed between the Governor and Ministers on that measure. The House will not forget the surprise with which, on nearly the last day of the Session, they, for the first time, learnt in a message from the Governor the existence of such a difference. The Governor refrained (I think unwisely) from embarrassing the consideration of that measure by an earlier intimation of his opinion: there was no time for further reflection, and the bill passed. Here again, faithful to the spirit of his engagements with the Assembly, the Governor did not veto the Bill at once, but referred the matter for the decision of the Imperial Government; and no one who has read the able memorandum in which Ministers enforced their views of Native policy, can say that the fairest opportunity was not given for placing both sides of the question before the Secretary of State. Well, the decision was given; and immediately afterwards the Governor submitted his own propositions in a substantive form to the Imperial Government, begging that an answer might be given in time for the present Session. Is it his fault that this answer has not yet been given? Well, but what about the Taranaki war? When the declarations the Governor made at the meeting of March 1859 were published, every one came forward to praise him for them; even the *Southern Cross* called his speech a "spirited address," and the Secretary of State approved the policy laid down. When war broke out, a universal expression of concurrence and support came from all parts of the Colony, as was testified in the reflection of public opinion by the press, and in the numerous addresses, warlike speeches, and so forth, which reached the Governor. Where, then, are we to look for the true cause of that dissatisfaction which the hon. gentleman (Mr. Daldy) tells us now exists; how are we to account for this sudden change of opinion? Sir, I am very much afraid it is only to be traced to the common way of the world. If some marked success had attended our arms, and Wiremu Kingi had been humbled as everybody expected, there would have been no such accusations made as were hinted now: the Governor would still have been the "fine fellow" people were eager to call him at first. But now, when the military operations, with which he has had nothing to do, have not resulted as was hoped, now when our prospects were more clouded than ever in relation to the war, now when it was the duty of every one, in true mercy to the natives, to unite in such measures as should lead to the restoration of peace on safe and honourable terms,—it seemed there were not wanting men (cheers) to come forward and hint here a suspicion and there an accusation, and while professing a desire to strengthen the Governor's hands, do all they could to discourage him and to make his task more difficult (cheers). I by no means refer in these remarks to the hon. gentleman (Mr. Daldy), nor to the hon. gentleman the member for the Hutt (Mr. Fitzherbert); I allude to those persons out of doors, whose opinions have been referred to to-day, and who seize just the moment of public danger to retract from the warlike attitude they at first assumed (cheers).

Mr. Brandon remarked that members spoke on fifty different subjects, and touched as lightly as possible upon the one they were assembled to discuss. He himself held different opinions now to those he had held in 1853. It was too late now to interfere with the obligations imposed upon the Crown by the Treaty of Waitangi. He would therefore address himself to the real question at issue, which had been put by Mr. Daldy into a nutshell. Why had they been called together? Were they called here to offer advice and counsel, or merely to grant funds for the war? (Hear). If the latter only, let it be put before them at once. How were they to give counsel and advice if they were to abdicate that high function of making inquiry into the circumstances of the case for which their legislation was required? (Hear.) It would not be difficult to obtain all the required information, if they had full power to call for persons and papers, and in a few days they would be able to examine witnesses on oath. Mr. Parris might be examined, and Archdeacon Hadfield; also several Ngatiawa and Waikato chiefs, at present assembled at Kohimarama. Seeing that there was a war raging, and great disaffection existing in the northern part of the island, it was their duty, first to make the minutest inquiry, and then set to work to find the remedy. If the natives alluded to by Mr. Richmond as "William King and his mob" were here, he was afraid they would serve this house as Cromwell's soldiers did the Long Parliament. (Hear.)

Since it was impossible to legislate without data, he hoped the House would agree to a Committee, either select or of the whole House, to inquire, not merely into the causes of the Taranaki war, but also into the causes of dissatisfaction of other tribes in the North. (Hear.)

Mr. Gillies would vote against the appointment of the Committee, though he should not have done so under ordinary circumstances. Had it been for the purpose of obtaining such information as would lead to the application of a remedy, it would have been of some use. But he could see no good to be gained now by inquiring into the circumstances which had led to the war. The objects indicated were to ascertain the justice of the war, and of Taylor's title (which it would be impossible for that House to ascertain); and the only result would be to throw the blame on some one or other. And what benefit would that be? It was of no use searching into the errors of the past, unless to avoid similar errors in future (hear). This inquiry would be only a waste of time, and on that ground he should vote against it.

Colonel Haultain thought the House should not incur the imputation of fearing the results of the inquiry. When William King sued for peace, then we might know in what way to treat the subject. It was his opinion that His Excellency had not drifted into the present war; it had been forced upon them. (Hear.) It was necessary for the preservation of the honour of the British Crown and the interests of the country. (Hear.) He had always looked upon a collision with the Maories as inevitable at some time or other. He did not think that the civilized man and the savage could walk together long, though linked by the forms of a common religion. But the longer the collision could have been deferred, the less injurious it would have been. (Hear.) The Maori was too far-seeing not to have perceived that he was getting weaker as a race. This feeling had led them to combine and to form land leagues and the King movement. (Hear.) He could not but regret some animadversions made yesterday on the conduct of the Commanding Officer. He had no doubt that Colonel Gold had received special instructions with regard to the course he was to pursue, and he ought to be heard before he was condemned. (Hear.)

Mr. Stafford said that the only instructions had been not to attack King on his own ground.

Colonel Haultain had merely wished to express his opinion that those remarks were premature and uncalled for.

Mr. Sewell had thought the hon. member for the City was going to move an amendment on the amendment; but as that hon. gentleman had not done so, he (Mr. S.) would do so in the following terms:—

"That the Ven. Archdeacon Hadfield be requested to attend at the bar of the House, to give evidence as to the causes of the Taranaki war, and be subject to question as to the same; and that the Chief Land Commissioner, Mr. McLean, shall also be summoned as a witness and examined on the same subject."

Here there was some conversation on the question of adjournment for tea. Many members wished the debate to be brought to a close as soon as possible; but, *Mr. Forsaith*, in answer to the cries of "divide" and "adjourn," said he had some remarks to offer which would occupy at least an hour ("oh!" and laughter), so that he thought it would be better to adjourn.

Mr. Sewell hoped it would be understood that the House adjourned merely to finish that fragment of a debate, as his hon. friend the Native Minister (Mr. Richmond) was too much indisposed to go into the discussion on his (Mr. S.'s) motion that evening (hear hear.)

Mr. Sewell gave notice of motion that, with the consent of Government, it being a Government day, the House should on Tuesday go into committee of the whole, with a view to the consideration of.

Mr. Stafford said the Government was disposed to offer every facility for the fullest inquiry. In reference to a remark that had fallen from the member for the Bay, he (Mr. S.) only remarked that Ministers had not opposed inquiry; but they had exercised their judgment as to which mode of inquiry they preferred; and it was for that reason they had voted for Mr. Sewell's in preference to Mr. Fitzgerald's amendment.

Mr. Carleton.—I neither understand, nor will I accept the Colonial Secretary's explanation (laughter). I understood the Government would not oppose this inquiry—(*Mr. Stafford:* Hear!)—this explanation is merely a play on words.

The *Speaker.*—Order, order!

Mr. Forsaith rose to oppose the amendment of the hon. member for County of Hawke (Mr. Fitzgerald), because it was open to the same objections that were urged against the original motion. It did not embody what he conceived to be the real ground of inquiry. He would illustrate his meaning more fully presently; but first he would ask the indulgence of the House while he made a few preliminary observations on what had fallen from some of the preceding speakers. He preferred doing so to entering at once upon the main question, because otherwise these would escape his memory altogether. He must first allude to some remarks which had been addressed to him privately, and which he should not have felt at liberty to mention at all if they had not received a consistence and peculiar significance by being adopted, and repeated to him by the hon. member at the head of the Government (hear, hear). When these remarks first reached him as they did from several quarters, he treated them with the indifference he thought they deserved, and even now he did not give them the slightest credence, as the authority upon which they rested was anonymous. But, repeated as they had been, and that directly to himself by the hon. member at the head of the Government, they were clothed with a significance which he could not overlook. He had been told that the speech which he had delivered in the house on the present debate on the cognate question had done more mischief and tended more effectually to weaken the confidence of the natives in the ultimate intentions of Government than anything that had transpired during the last four years. This was a very serious allegation, and, coming from such a quarter, could not be treated with indifference. He would not waste time in examining the truth of such a charge, because he felt conscious that nothing he had said could warrant such an assertion. If, by designing persons, his words had been misrepresented, the blame was theirs, not his. But how was he to interpret such an intimation from the head of the Government? Was it intended to intimidate? Was it uttered for the purpose of stopping his mouth—to deter him from exercising a privilege which, so long as he had the honour of occupying a seat in the House, he would never yield—a right to speak out respectfully but fearlessly on every subject submitted to him (hear, hear)? Was it a proper thing? Was it in accordance with Parliamentary usage for the head of the Executive Government to make such an assertion to a private member of the House? What was there, he would ask, connected with his antecedents in the House to justify the supposition that he might be frightened from the discharge of what he conceived to be his duty? He, in common with many hon. members now around him, had formed one of the assembly which inaugurated the Constitution under which we lived, and those who were then, as now, his colleagues, would remember that even when he stood alone upon the floor of the House, supported by nothing but a conscious sense of right and honesty of purpose—exposed to the sharp but good-humoured shafts of raillery aimed at him from all sides by men whom, compared with himself, were hoary veterans in the political arena—even then, though he might have evinced symptoms of audacity, certainly did not display anything like a craven fear. A moment's reflection might have sufficed to convince the hon. member (Mr. Stafford) how futile the attempt—if such was the intention—to stop his mouth or deter him from expressing his convictions. But while he repudiated with just indignation the charge of having uttered a single expres-

sion fairly calculated to do mischief, he would ask hon. members at that table (the Government) whether they could console themselves with the same reflection (hear, hear). Expressions had fallen from speakers at that table — he alluded especially to the Minister for Native Affairs — which, taken in connexion with the subject they referred to, were fitted to do infinitely more mischief than anything that had fallen from his lips (hear, hear). For instance, such expressions, "Mob," "Beggars," "Old Blanket Men," "Amiable old Savages," "Begging Animals" [*Mr. Sewell:* I believe that last expression was mine, and I am sorry I used it].—If originated by the hon. member for Christchurch, it certainly was readily adopted by the Minister for Native Affairs, and he thought the House would agree with him, that nothing he (Mr. F.) had uttered was half so well fitted to do mischief (hear, hear). If the hon. Minister at the head of the Government supposed that Government was exclusively the bulwark of the tranquillity of the country, and the guardian of the amity and concord hitherto subsisting between the two races, he (Mr. F.) would take the liberty of assuring him that he had yet to learn the A. B. C. of his position. It was not Government exclusively that operated to maintain the tranquillity of the country, but Government influence conjoined with, and supported by, the influence gained over the minds of the natives, by old settlers who had been many years in the country, and whom the natives knew and trusted as their friends (hear, hear). He must now advert briefly to some observations of the honorable member for Christchurch, (Mr. Sewell.) He alluded to the construction put upon a passage in Mr. Archdeacon Hadfield's letter, by that hon. member. It was an unpleasant subject to refer to again, so much having been said, nor did he wish to appear as the apologist for Mr. Hadfield, but a sense of fair play constrained him to take exception to the construction put upon the passage referred to. Mr. Hadfield, in writing to W. King, had said something to the effect, that it was impossible he could be dispossessed of his land. The honourable member (Mr. Sewell) had said this sentence was intended to convey to the minds of W. King an intimation that Mr. Hadfield considered him about to suffer a great injustice.—[*Mr. Sewell:* Hear, hear.] He did not think this was a fair construction (hear, hear); at all events it was directly contrary to Mr. Hadfield's explanation of his own meaning. We had been told that the writer, relying upon the Governor's assurance that he would not buy disputed land, meant to assure W. King that his fears were groundless, and that it was impossible he should be dispossessed of his land in face of this promise. He now came to the remarks of the honorable member for Wallace County (Mr. Bell). They were somewhat of a personal character, but he should not comment upon them in angry terms (hear, hear). The honorable member (Mr. Bell), had charged him with publishing a libel.—[*Mr. Bell*: I acknowledge it, but I desire to disclaim any intentional offence.]—He accepted the explanation at once as perfectly satisfactory, but he must be allowed good humouredly to say, that there was a strange inconsistency between the hon. member (Mr. Bell) and the hon. member for Omata (Mr. J. C. Richmond). On this side, he (Mr. F.) had been reproved for not reading the passage said to be libellous—[*Mr. Richmond* rose to explain.] Well, if not a reproof, the inference was that it ought to have been read, while, on the other side, it was averred that he had no business to read it. It was impossible to please both these gentlemen (laughter). He would not pretend to be learned in the law, like his hon. friend the member for Christchurch, but he would ask, is truth a libel? At all events truth was sometimes pleaded in justification; and he would now put the question to the hon. member (Mr. Bell). Was the allegation contained in this passage of W. King's letter, that Mr. Parris had been the means, either by influence or by message, either directly or indirectly, of fetching Katatore or of inducing him to go somewhere, by which means he met with his death — was this substantially true or false.—[*Mr. Bell*: I believe substantially it is true.] — Exactly so, then what became of the libel. This brought him at once to the question of the meaning of the allegation as preferred by W. King in his letter. They had heard the rendering given by the hon. member for Omata (Mr. J. C. Richmond), and he would not stay to question the accuracy of the translation, but would explain what he understood to be the writer's meaning by an illustration. Suppose Mr. Parris had by message, or by any other means or influence induced a native—say a child—to leave the pa, for the purpose of going to school, that on its way thither the child was waylaid and murdered, wholly without implicating Mr. Parris, as cognizant of the likelihood of such a result, the parent, or a relative of the murdered child, afterwards writing on the subject, says, speaking of Mr. Parris,—"It was he who fetched my child that caused his "death." This, he submitted, was the true sense in which Wi Kingi's allegation respecting Katatore was to be understood. Another remark had fallen from the hon. member for Wallace County (Mr. Bell) which he could not pass over. It was to this effect: That if this war had been characterized by more brilliant success in its operations, less would have been heard in the House about the justice of commencing it. Did the hon. member mean to affirm that the opinions of hon. members respecting its justice were dependent upon the success of its operations?—Surely not (hear, hear). The hon. member for the Southern Division (Captain Haultain) had affirmed that Government was forced into this war, and the sentiment was received by an emphatic "hear hear," from the Ministerial table. [Hear, hear! from *Mr. Stafford.*]—He was glad to find that he was not mistaken in supposing that Government assented to this proposition. "Hear, hear!" was a very common Parliamentary phrase. Sometimes it meant one thing and sometimes another— now, however, there could be no mistake, it meant that Government defended the proposition that they were forced into this war.—[Hear, hear, from *Mr. Stafford.*]—Very well, he now proposed, from their own documents, to test the truth of this proposition. Before he proceeded, however, he must guard himself against misconstruction. Some animadversions had been made on previous speakers, on account of what they had said of his Excellency, the Governor. He wished to draw a distinction between his Excellency as Represetatative of the Crown and the Government who were responsible to the House. He would yield to no one in reverence for the high position of His Excellency, as the official representative of Her Majesty, nor would he allow any one to exceed him in the respect and esteem which he sincerely entertained for His Excellency as an upright, conscientious man; but in commenting upon the documents placed in his hands by the Government, he must claim the privilege of doing so freely, even though some of them might be formed by the Governor himself, without exposing himself to the charge of disrespect (hear, hear). Government were not forced into this war, they voluntarily assumed a position which rendered war inevitable. The Governor himself, writing to the Duke of Newcastle on the 25th of January, the day when the determination to assume this position was adopted, says, "I do not anticipate resistance"; and further on, "I trouble your Grace with this despatch only as a "matter of information." If, indeed, it could be proved that Government was forced to occupy the position they did, viz., to enforce the survey *vi et armis*, then, and not till then, could it with justice be asserted that Government was forced into war. It is evident that the Governor himself had taken different views at different times respecting the real character of the war. In the despatch just referred to it was described as a determination "to enforce Her Ma- "jesty's right to deal with her own subjects without "hindrance." In a subsequent despatch it is thus described, "that he could not with reason have re- "jected the offer made by Teira and his party, because "that was the only obstacle to their selling the land, "viz., King's opposition, and by the treaty of Wai-

"tangi they are prevented from selling to any one "but the Government." Again, "I must either have "purchased this land or recognized a right which "would have made William King virtual sovereign "of this part of New Zealand." The inconsistency in these several auguments is apparent. Another paragraph in the same despatch clearly proves that His Excellency was not thoroughly acquainted with all the facts of the case. He says, "Even if the right of "*mana* exists at all, William King could neither pos- "sess nor exercise it. Potatau, the Chief of the "Waikatos, having obtained it by conquest and sold "all his claims at New Plymouth." Now, it was a well-known fact, that W. King, and that section of the Ngatiawati tribe whom he represented were never dispossessed by the Waikatos. As a proof of this he would mention a fact which his hon. friend the member for the Wallace County would confirm. About the year 1842 Te Pakaru, a Waikato Chief, who had taken part in the invasion of Taranaki, proceeded to the Waitara for the purpose of taking possession, and had actually commenced felling timber for the purpose of preparing ground for cultivation. William King, who had not then returned from Waikanae to the home of his fathers, sent a deputation to *pana* Te Pekaru, *i.e.* to warn him off. Te Pakaru, conscious that his position was not tenable, gave up the attempt and returned to Waikato. He now came more immediately to the real question at issue, and, before proceeding, must endeavour to disentangle the subject from a web of confusion that had been thrown around it. In his opinion, hon. members could never arrive at a satisfactory opinion unless they carefully distinguished between the two separate and somewhat conflicting functions necessarily assumed by the Government of this Colony. We will endeavour to illustrate his meaning more familiarly. Government, regarded as the conservator of the prerogative of the Crown and administrator of the law, had functions to discharge, which for the sake of convenience and perspicuity he would designate their sovereign functions. Again, owing to the peculiarity of their position arising out of the system of extinguishing native title, they had functions to discharge, which for the sake of convenience he designated their commercial functions. These latter, with all matters connected with them, or that arise out of the discharge of them, must be tested by the same simple rules that were ordinarily applied to the operations between man and man in the every-day commerce of life. For instance, the Queen's right of pre-emption might be waived without trenching upon her prerogative. And suppose he or any other hon. member of the House had been authorized in virtue of such waiver to negotiate with Te Teira for the purchase of this land, and had thereby become involved in a similar dispute, would the question of prerogative have been engrafted upon the quarrel, and the 65th Regt. sent down to enforce his rights? (Hear, hear.) It was very important to keep this distinction in view, because the Government had asserted thas this was a war of prerogative, whereas it was evident from facts patent to every careful reader of their own documents that the Queen's prerogative was in no wise implicated up to the 25th January, and only became so as an *ex post facto* consequence of the determination to enforce by recourse to arms the survey of disputed land. We will endeavour to make this still more apparent. It was well known to every old resident in the country that ever since 1839, long before anything was heard of land leagues or king movements, that a general determination existed on the part of that section of the Ngatiawa tribe represented by Wm. King, that none of the land at Waitara should be sold. In confirmation of this, he might state from his own personal knowledge that even a small piece of land sufficient for the residence of a missionary was absolutely refused, notwithstanding that in those days the promise of a missionary to reside at their *kainga* was the greatest boon that could be conferred upon them. This determination to hold Waitara was not confined to a few, nor even to a majority, but, at that time to the whole body of the resident natives. It was ridiculous to assert that such a combination trenched upon the Queen's prerogative. We might as well affirm that the Anti-Corn-Law-League was inimical to the Queen's prerogative. A native was lawfully entitled to refuse to sell his land if he chose to do so. What was lawful for one was lawful for ten, was lawful for twenty, and, if for twenty, then for a tribe or a majority of a tribe. It was equally well known that, ever since the first location of Europeans at Taranaki, the acquisition of land at Waitara had been the object of incessant and strong desire. He did not state this by way of reproach to the settlers; it was perfectly natural that in their circumstances they should evince such a desire; he would not even go so far as to approve of the strong terms in which the hon. member for Wanganui (Mr. Fox) had commented on this fact; but he begged hon. members to reflect on the almost inevitable consequence of these antagonistic views between the natives on the one hand, and the settlers on the other, respecting the land at Waitara. In the course of time the settlers, by the influence they gradually gained over the minds of individual natives amongst whom they lived, succeeded in breaking through this combination, a schism was formed in the ranks of the opponents. Not that any great number of natives abandoned the original determination, but first one, then another, until at last a comparatively small minority agreed that land at Waitara should be sold. Government at this juncture steps in to take advantage of this opening; and then, when involved in a dispute with the majority, who still clung to their first principles, invoke the question of prerogative and determined to enforce the survey *vi et armis*. And what made the matter worse was the admission of the hon. the Native Minister that the purchase was not completed when the determination to enforce the survey was formed. It was idle to inform persons acquainted with native customs that to survey land was to take possession before a purchase was completed, was not being forced into a war, but to take a position that forced a war. We could scarcely avoid an emotion closely allied to pity as he listened to the colloquy on this subject between the hon. member for Wanganui (Mr. Fox) and the Native Minister. It was pitiable to watch the impotent attempts of the hon. member to extricate himself from the dilemma in which he was placed. He was reminded of what the celebrated Knight of La Mancha said to his renowned squire when that worthy was in circumstances of a peculiarly unhappy personal character, "Sancho, by all means stand still; the more you stir, the more you —" (roars of laughter). The real subject for enquiry was, Was this war necessarily undertaken to vindicate the prerogatives of the Crown, or was it merely to vindicate the validity of certain commercial operations of the Government? The proposition to limit the inquiry to the evidence of Mr. Archdeacon Hadfield and Mr. Commissioner McLean was simply a proposition to witness a stand-up fight between two champions of opposite creeds. This would only be the semblance of an inquiry were there not such men as the late Chief Justice (Dr. Martin), than whom perhaps no man was better qualified to give reliable opinions on such a subject; as Mr. George Clarke, who could not be supposed to be prejudiced on this matter; as Mr. Swainson, as Bishop Selwyn, and numerous others whom he might name, all men capable of giving authoritative opinions in questions of this nature. He would by no means exclude Messrs. Hadfield and McLean, but he would never consent to confine the inquiry to their testimony alone. Further, he would strongly object to the Committee being empowered definitively to report on the result of the inquiry; these functions should be confined to the collection of evidence and the laying of it before the House, as the grand work of a future expression of opinion only properly to be done by the House as a collective body. He would not dwell upon the advantages of such an inquiry. If the position taken by

Government should be proved to be right, and they affirm that it is so, their hands would be strengthened by the result. If, on the contrary, they would be proved to have made a mistake, the inquiry would act as a salutary caution, by revealing the true character and position of the rock upon which the vessel of State had been allowed to strike, and afford the best basis for present legislation, to enable us hereafter to avoid a similar catastrophe. We would conclude by moving the following amendment. (Cheers.)

That in the opinion of this House, the question whether this war was necessarily undertaken to vindicate the prerogative of the Crown as a Sovereign power, or to assist and maintain the rights of Government as purchasers of land, is a legitimate subject of inquiry, and that a Select Committee, to be chosen by ballot, be appointed to inquire into this question, with power to call for persons, and papers, and records, and report the evidence to the House.

Mr. King had been one of the Provincial Council of Taranaki, by which the memorial before alluded to was adopted. The natives had long been fighting because of conflicting land claims among themselves, and the Taranaki settlers wished to see an end put to this state of things. They believed that many wished to sell their land, but could not because of the league. They had known that when Rawiri was killed, the Government were afraid to apprehend Katatore. They had thought something was necessary to be done to get land and to support natives desirous to sell land. When they saw men like Ihaia in their struggles to get rid of their land, reduced from affluence to poverty, they sympathised with them. All that the memorial asked of Government was to interfere, so that those who wished to sell, might,—and to institute an inquiry into the causes of dispute. If there were anything in the memorial to entitle its authors to reproach, he would take his share of it. (Hear, hear.)

Mr. A. Clark said: Sir, I have given as much attention as I could to this very important question—to the various important subjects which have come under discussion; and having no private sources of information—being ignorant of the Native tongue—and having only a partial knowledge of Maori laws and usages, I have been obliged to rest my conclusions upon the statements which have been made in this House, and the papers which have been laid upon its table. Such being the case, and, in the presence of such a number of gentlemen so thoroughly acquainted with the subject, I shall not even attempt to go into the argument, but shall in a very few words state the general impression which has been made upon my mind—and thus indicate the channel in which my thoughts are running. Up to this moment I am not satisfied that a case has been made out for William King (hear, hear); that there has been established for him any valid claim whatever to the land at Waitara (hear, hear); but I am satisfied that the negotiations as to its purchase were so conducted and so concluded, that retraction on the part of the Governor was impossible without sullying the lustre of the Crown (hear, hear). The war, therefore, however we may grieve over it, I look upon as one of necessity (hear). With those who say that it must be prosecuted vigorously I concur, believing that such concurrence involves in it a willingness to consider in a liberal spirit the question of means—due regard of course being had to the circumstances and ability of the Colony. I indulge the hope that in a short time peace will be established upon a proper basis (hear). I rely confidently on the Imperial authorities that they will supply such aid as will enable us to accomplish that. But in order to secure it, those remedial measures which are proposed must without delay be introduced by the Civil department of the Government, so as to eradicate if possible that feeling of disquietude which exists so largely in the Native mind (hear, hear). Assuming, then, that peace will soon be restored, then will be the time for those inquiries which are now sought for through the agency of those Committees now under consideration. I think that to go into them at present would be productive of bad effects. The Natives would be apt to suppose that we misunderstood the justice of our own cause: it would engender in their minds the belief that we were actuated by our fears rather than by our sense of justice (hear). I, too, am for justice to the Natives. I do not wish to see them denuded of one right or one privilege, guaranteed to them by the Treaty of Waitangi; and when they have laid down their arms, when they have submitted to the authority of the Queen, should any honourable gentleman then come down to this House with a case for inquiry, I am quite sure that it will not be disregarded (hear, hear).

The Speaker then put the several questions before the House in the following order:

Mr. Forsaith's against Mr. Fitzgerald's.

Negatived by voices.

1. Mr. Fitzgerald's against Mr. Sewell's.

Ayes 15.	Noes 18.
Haultain	Richmond
Rhodes	Monro
Carter	Heale
Daldy	Williamson
Rennall	Sewell
Brandon	Jollie
Fox	Weld
Ward	Stafford
Featherston	Curtis
Fitzgerald	Brown
Fitzherbert	Domett
Clark	Moorhouse
Carleton	J. C. Richmond
Bell	King
Forsaith (teller)	Kelling
	Gillies
	Farmer
	Campbell (teller)

Original question put against Mr. Sewell's.

Ayes 14.	Noes 19.
Daldy	Domett
Rhodes	J. C. Richmond
Haultain	King
Rennall	Kelling
Carter	Monro
Brandon	Gillies
Featherston	Curtis
Clark	Williamson
Carleton	Stafford
Fitzherbert	Campbell
Fox	Moorhouse
Forsaith	Brown
Ward	Jollie
Bell (teller)	Heale
	Weld
	C. W. Richmond
	Fitzgerald
	Farmer
	Sewell (teller)

Question put, Mr. Sewell's amendment to stand part of the Question.

Ayes 18.	Noes 12.
Daldy	J. C. Richmond
Rhodes	Farmer
Brown	Heale
Brandon	King
Monro	Gillies
Stafford	Ward
Fitzgerald	Domett
Curtis	Moorhouse
Kelling	Haultain
C. W. Richmond	Clark
Williamson	Jollie
Sewell	Campbell (teller)
Renall	
Fox	
Fitzherbert	
Weld	
Carter	
Bell (teller)	

Extracted from the "NEW ZEALANDER" Newspaper, dated Auckland, August 18, 1860.

HOUSE OF REPRESENTATIVES, Tuesday, August 14th, 1860.

INQUIRY AS TO THE CAUSES OF THE TARANAKI WAR.

Mr. Stafford moved, "That the House do resolve itself into Committee, and that the Venerable Archdeacon Hadfield be requested to attend at the bar of the House to give evidence as to the causes of the Taranaki war, and be subject to question as to the same; and that the Chief Land Commissioner, Mr. McLean, shall also be summoned as a witness, and examined on the same subject."

The House having resolved itself into Committee, a conversation was originated by the Chairman as to which witness should be first examined, and the mode of conducting the examination. The general opinion of the House was that Archdeacon Hadfield—(he being the party on whose authority certain charges of carelessness and precipitancy has been preferred against the Governor, the Ministry, and the Chief and District Land Commissioner with respect to the acquisition of the Waitara block)—should be first examined; and that the questions should be put in writing.

Archdeacon Hadfield was accordingly conducted by Mr. Sergeant-at-Arms to the table, when he went through a long examination in chief by Mr. Fitzherbert, and cross-examination by Mr. Richmond, Mr. D. Bell, and other members.

Mr. McLean succeeded; and, after having made a general statement with respect to the circumstances connected with the purchase of the land at Waitara, (which we give in another part of this day's paper,) was examined by Mr. Richmond, Mr. J. C. Richmond, and cross-examined at great length by Mr. Fox—mainly on the question of what constituted native title and tenure.

[It was agreed that the examination of both witnesses should be transcribed from the official notes taken for the Government and submitted to each witness for revisal before official publication; and for this reason we defer our report of such examination until we have the authorized report before us—chiefly that we may be certain that we give Mr. Fitzherbert's and Mr. Fox's question in the precise form in which, after sundry corrections and alterations, they were handed in to the Chairman of Committees.]

Extracted from the "NEW ZEALANDER" Newspaper, dated Auckland, August 22, 1860.

HOUSE OF REPRESENTATIVES, Thursday, August 16th, 1860.

The Speaker took the chair at 12 o'clock.

Mr. Stafford, before the House proceeded to the business of the day, wished to say a few words with reference to a statement which he was reported to have made on a previous occasion. He referred to his statement as to the instructions given to Colonel Gold. The report was substantially correct as far as it went, but omitted the very important words "for a "time," which he had repeated twice. The impression conveyed to the country might consequently be that the restrictions against attacking William King on his own ground were unlimited. It would be both inconvenient and improper during the war to state what instructions had been given. But in this case reports having already been circulated, it might be satisfactory to the House if he stated the circumstances which led to this instruction now referred to. The intention of the Government from the first was not to attack William King, unless obliged in consequence of King's own conduct, to repel his armed interference. Further, a deputation of Ngatiruanui had gone to Waikato to solicit support from the Waikato Natives, and had been accompanied back to Taranaki by an escort from Waikato. It appeared to His Excellency and his advisers that the war might spread into other districts than that in which it had arisen, if any engagement were to take place with King while the Waikatos who had returned with the Ngatiruanuis were staying with him. They had, therefore, thought it advisable that no offensive operation should be undertaken against the pas in which the Waikatos were staying, lest they might be drawn in to fight, and then induce their relatives and connexions to come and join them. Whilst at Taranaki, at the time, this opinion had been expressed to him by persons able to form a judgment on the matter. It was further supposed not to be improbable that inaction and privations would prevent the Waikatos from remaining there very long, and that with no present source of excitement it was even possible that they would look back on the old relations between the Ngatiawa and the Waikato, which might have the effect of producing a schism between those who were mortal enemies in past days. Those considerations were of such weight that His Excellency had restricted offensive measures for a time, so that the Waikatos might have an opportunity of returning back to their own district. In the event of King assuming the offensive, Colonel Gold was expressly enjoined to inflict a severe chastisement on him. With that sole exception to which he had referred, the instructions to the commanding officer had neither tied his hands, nor crippled his actions, nor done more than to point out the particular *hapus* which deserved chastisement. In conclusion, he would state that the restriction had been for some time entirely removed, and the officer in command was now left to his own discretion.

Mr. Carter asked how long it had been so.

Mr. Stafford replied, that on the 20th April instructions were given not to go north of the Waitara. This was in consequence of the request to that effect of some influential Waikato Chiefs. The further instruction just referred to was dated on the 17th May, and virtually removed by the occurrences which led to the action of the 27th June.

Mr. Carter.—Then the hon. gentleman can't tell us how many weeks the restriction remained?

Mr. Stafford thought that would not be a very difficult problem for the hon. member to work out himself. From the 17th May to the 27th June appeared to him something like six weeks.

MR. STAFFORD'S RESOLUTION ON THE WAR AT TARANAKI.

Mr. Stafford.—Sir, in moving the resolution of which I have given notice, I shall not trespass on the time of the House, as it is not my intention or desire to introduce any fresh debateable matter with reference to the questions embraced by the resolution, which have been so frequently the subject of debate since the commencement of the session. The resolution which I am about to move merely re-affirms the opinions expressed in the address in reply to His Excellency's speech in opening this session; and it would have been superfluous and unnecessary, under other circumstances, to have brought the subject again before the House, had it not been for the very sudden and unexpected manner in which the debate on the address had been concluded. It had, however, occurred more than once since the address had been carried, that some hon. members had declared that they did not conceive themselves to be bound by its terms, though it had been carried without a dissentient voice, because no debate on it had taken place. Sir, it appears to me to be both necessary and proper that on such an important question the members of this House should have an opportunity of expressing their opinions unmistakeably. It is due to the Government, and it is due to the country, that the representatives of the people of the Colony should declare their opinions as to the justice and necessity of the course taken by the Go-

vernment. This is especially necessary on the eve of a general election to enable the country to determine in what manner and by whom it should be represented; and to declare whether it believed the present war to be a just one, I believe the course I am now taking to be the right one, as I know it to be the open and straightforward one. I therefore move, "That in the opinion of this House, the interference of Wiremu Kingi at Waitara, and his resort "to force to prevent the survey of land there, rendered the measures adopted by His Excellency the "Governor indispensable for the maintenance of Her "Majesty's sovereignty; and that the welfare of "both races of Her Majesty's subjects peremptorily "requires a vigorous prosecution of the war to a "successful termination."

Mr. Brandon would respond to the call of the Colonial Secretary. He thought that on the present occasion no one should flinch from expressing his opinion. He would assure the hon. gentleman that he (Mr. B.) would have no reluctance to declare on the hustings and to his constituents the opinion which he should now express. He freely assented to the latter part of the resolution. Whether the origin of the war were just or unjust, he deemed it necessary for the welfare of both races that the war should be prosecuted to a successful termination, that peace could not be made or any negotiation for a cessation of hostilities entertained, until William King laid down his arms—until it had been made manifest to the natives that further fighting was useless, and that the pakehas would be the conquerors. But he disagreed entirely with the former part, viz., "That the "interference of William King at Waitara, and his "resort to force to prevent the survey of the land "there, rendered the measures adopted by His Ex-"cellency the Governor indispensable for the due "maintenance of Her Majesty's sovereignty." He could not agree with that proposition, and laid the entire responsibility of the war and present state of the country on the shoulders of the Governor and his Ministers. They were aware of the disaffection which had long prevailed throughout a large portion of this island—they had selected the occasion for asserting the sovereignty of the Queen, and, as he (Mr. B.) had observed on a former occasion, most unhappily did they choose their issue when they made the purchase of a paltry piece of land the occasion of hostilities—a purchase in which the Queen was the party to derive the benefit. Why had they not selected some occasion to uphold law and order among the natives? Had they done that nine-tenths of the natives who were now in arms against the Queen's troops would have rallied round the Governor and supported them. He must also come to the conclusion, having carefully read all the papers laid on the table relating to the present disturbances, and also the pamphlet on the King movement, which had been alluded to in the debates, and as an authority that very great blame lay with the Ministers for not having done something to stop the movement, allay the feeling, and remove the cause of disaffection which had led to it. They had been most neglectful, and shown themselves thoroughly incapable in their treatment of the natives. Provision had been made in the Constitution Act for the maintenance of the laws, customs, and usages of the natives, so far as they were not repugnant to the general principles of humanity. When the Governor found that he could not protect the loyal and well-affected natives in the enjoyment of law and order, why had not native districts been proclaimed—the chiefs restored to their former status, and authorized to deal with offenders within their territories; the chiefs might even have been subsidized for the purpose. "We want law and order," say the natives, the advocates of the King movement. "The "Governor does not stop murders and fights among "us. A king will be able to do that. Let us have "order." Now for 20 years have the Maories been taught civilization and religion, and, of course, concurrently, obedience to law. The natives desire law and order. They have asked for protection and support, to preserve law among themselves, and have been refused. No remedy had been applied, and as far as he could see none had been attempted. Could the present movement then be wondered at? No action had even been taken on the legislation of 1858? The House had been told that the Native Circuit Courts could not be brought into operation in the Waikato, but it had not been told the reason why they could not;—and he (Mr. B.) would ask if there were no other districts into which they might have been introduced? It appeared to him that there had not been from first to last any attempt to put down the movement, but it had been permitted to roll on and on until it had arrived at its present head; and now, with the greatest want of foresight, Government elected to make a dispute about a paltry piece of land the question on which to commence hostilities, on the pretence of asserting the sovereignty of the Queen. He could but attribute the present disastrous state of affairs solely to the neglect and incapacity of the Ministry. It was true the war was an imperial question, as was also the conduct of it; and under the present relations between the Governor and his advisers with respect to Native affairs, the Colonists could not be made responsible for it. He concluded by observing that the war, having been commenced, ought, he believed, to be carried on with vigour, but he did not believe that the conduct of William King had rendered war indispensable to uphold or assert the sovereignty of the Queen.

Mr. Carleton could not allow the debate to stop there. The hon. member at the head of the Government had stated that the reason for moving this resolution was that, in consequence of the collapse of the debate on the address in reply to the Governor's speech, the Government had not felt themselves in the position they ought to be towards this House. In that he fully agreed with them. But the question was whether there were not the same objections existing to that motion which existed from the first with regard to the address? He meant to say, and had stated it from the first, that the address was far too stringent and restricted to have been submitted to that House in the shape it was. There might be many members who would object to the present motion without wishing to be in a position of hostility to the Government. The Colony being in a state of great difficulty, it was their duty to strengthen the hands of the Governor; but they ought not to be called upon to put themselves in opposition to the Government, nor yet to swallow that which their consciences would not permit. He would confine himself to a few observations on the motion itself. In the first place he found there had been an alteration in the motion from the shape it first assumed. He observed that the reference to the Treaty of Waitangi had been omitted; with what object? He did not understand this shifting about. Neither did he think this the manner in which men acting under strong convictions would have proceeded to work. The Government wanted to squeeze as much acquiescence out of them as possible; and having asked too much at first, they now wanted to draw back a little bit, for fear they should lose a vote. Ministers' object was to come to a division. But that was not the way in which he should have gone to work, and he judged others by himself (hear and laughter). Though he disagreed with the first part of the resolution, he could agree with the second. For though he had always objected to the war, there was no choice now but to go on. As to the original proceedings of Ministers he had suspended his judgment; but if they had arrived at the right course at last, they had blundered upon it. Still there was nothing for it now but to go on with the war vigorously; all former considerations were annulled by William King's being now in arms against the Queen. In his (Mr. C.'s) opinion there were very good grounds for supposing that when war was commenced, W. King was not a rebel in law, and it possibly even remained a

question whether he were in arms against the Queen now. In the well-known case of Frost, it was, he believed, held that if the evidence had not broken down, he should have been indictable for murder, but not for rebellion against the Queen. There were words in that motion which he could not vote for, and would not; those words were "the interference of Wiremu "Kingi at Waitara and his resort to force to prevent "the survey of land there, rendered the measures "adopted by His Excellency the Governor indispen-"sable for the due maintenance of Her Majesty's sove-"reignty." He would not affirm what he did not know. All the evidence adduced in that House had only weakened his belief in the war being indispensable. The Government only wanted either to force members into open opposition, or to affirm what they could not conscientiously. He had waited to see if any member else would move an amendment, but none having done so, he must do it himself. He moved that the words from "the" in the first line to "the" in the fourth line be omitted. It would then read that, "In the opinion of "this House the welfare of both races of Her Majes-"ty's subjects peremptorily requires a vigorous prose-"cution of the war to a successful termination." He thought also that the last four words were unnecessary. He presumed, however, that when the House had voted in favour of the vigorous prosecution of the war, the Commander of the Forces would proceed more vigorously; still he doubted whether the war could be brought to a successful termination. Could 50,000 men catch a swarm of hornets in the bush? William King's resort to force did not justify Ministers engaging in war. King had used simply such force to prevent the survey as he (Mr. C.) would have used, and legally, if any one had interfered in this way with his land. It was said there was an armed force not far off when the survey was stopped. But we had nothing to do with that. We also had an armed force at hand.

Mr. Daldy seconded the motion.

Mr. Brown thought the House should not have been called upon in one resolution to express an opinion on two different subjects, for he could agree with the latter part, but not with the former. Those military measures had not been indispensable. It would have been better to have waited longer before taking possession. It would have been better, in fact, to have abandoned the land altogether than to have gone to war over a land question. He thought that policy had been very unwise.

Mr. Moorhouse said he should vote for the original motion. He did so because he believed Ministers, under the circumstances, were justified in taking in an abridged form the gross result of what had fallen from hon. members during a long and wearisome debate, namely, a substantial approval of their conduct. After a careful reading of the papers furnished to the House, and after weighing all that had been said on all sides, he was of opinion that Wiremu Kingi had openly and deliberately challenged the Crown to fight upon what (in his opinion) was another man's land. It had been said that previously to the proclamation of martial law no murder or other grave crime had been committed by King, and that consequently there could have been no intention on the part of King to invite a war, but the House knew well enough that King had given notice, and in unmistakeable terms, that he would not allow Her Majesty's officers to proceed with a survey directed by the Governor, who claimed possession by virtue of open purchase. King had said in effect, "Come upon this land at your peril. "To be sure the land is not mine, but I shall not "allow the Queen to possess it." Such a defiance was certainly, in his opinion, as impudent a challenge to fight as could possibly be imagined if hon. members were inquiring for a just *casus belli*. Was not such a challenge sufficient, taken together with Wiremu Kingi's well-known arming of his followers, to call for immediate measures in vindication of the supremacy of the Crown? The arming of King's people was conclusive evidence that they were serious in preparing for a war. How could the Governor refuse such a challenge? Why he should have regarded submission under the circumstances as the meanest poltroonery—as the most suicidal weakness. There had been a great deal of unnecessary debating about Taylor's title. Every attempt had been made through a most dreary and wearisome debate, (which had frequently driven him out of the House, in search of refreshment and a brief respite, from the terrible prosiness of hon. members' harangues), to prove King's title to the land. It was evident that King had no title whatever to the land in question. He was, therefore, constrained to admit that the war was both just and highly necessary; that if His Excellency the Governor had been advised by Ministers to the course he had pursued, he had been well advised. He (Mr. M.) adhered to the opinion he had expressed in the earlier part of this series of debates, and wished to record his cordial approval of what Ministers had done. Every one declared that it was necessary to prosecute the war. Then why did hon. members damage its progress by crying out the war is unjust? He could scarcely understand how they could with a decent countenance support an unjust war, and at the same time publish their belief in its injustice. It was, in his opinion, divesting the war of what was absolutely necessary to give war credit in the eyes of the world. The resolution informed him the war was a just war, and necessary. The necessity of the war was affirmed by all. Then why did some hon. members continue to urge against all proof to the contrary that the war was unjust? He believed the war was justly provoked, and that its firm prosecution was necessary for the welfare of both races. It was high time that the question of Her Majesty's supremacy should be set at rest. The hon. member for the Bay had stated that Wiremu Kingi was justified in resisting the survey by a moderate application of force. Wiremu Kingi knew very well he had no such right, and had never made any appeal to any court of inquiry for adjudication of his claim, but rested his claim solely upon the strength of his arm. He trusted they should have very little more discussion on the matter. Hs hoped it would now be dropped. He believed Ministers were quite justified in putting the question embodied in the resolution pointedly to the House. It was essential to the dignity of the country. If they doubted the state of opinion in the House after all the recent debating, they were certainly bound at once to come down and ascertain on what ground they did stand. Some hon. members would well understand the difficulties surrounding an Executive during the present critical war period. It should be remembered that it did not at all assist the interests of the country, their telling all they knew of everything they handled. It was their constitutional duty to be solely acquainted with many facts which it would be moral treason to publish. He (Mr. M.) was satisfied that the best course had been taken. It had been said that war might have been delayed. It certainly might have been. But at what expense? Delayed, perhaps, for one, two, or even four years. But those evils only curable by the sword, would have become greater with the delay. If, as it was alleged, we were unable to compel respect for our laws now, what would be our chance after a perfect organization of the rebels? However dreadful it might be to come to the conclusion that war involving the awful sacrifice of human life was necessary, yet he was bound to express a hope that the war would go on with vigour—that there would be no nervous maudlin trifling. Let it be finished. And then let us set about extending the civil privileges of the natives. Meanwhile, Ministers should lose no time in issuing a manifesto to the native race, shadowing forth the coming order of things; in short, giving them a serious promise of perfect equality with Europeans (hear).

Mr. J. C. Richmond said:—I ask leave to say a word on behalf of an absent individual on whom some words of the hon. member for Wallace seem to reflect. I refer to his remarks on the issue of the Proclamation of martial law. I happened to be in com-

munication at the time with the officer who issued that Proclamation. He did so because according to his instructions the Militia were to be called out after the issue of that Proclamation. The Ngatiruanui and other natives southward were in an excited state before the issue of the Proclamation, and a definite plan of operations was sketched out by them as soon as it was known that the Government had resolved to prosecute the purchase at Waitara. It was imperatively necessary, for the safety of the settlers, to embody the Militia for active service at once, and I may add that Colonel Murray had no certainty that His Excellency and the reinforcements would arrive at an early date.

Mr. Dillon Bell.—I speak under so great a sense of the responsibility that weighs upon us in giving a vote on the question before the Committee, that if in the observations I shall feel it my duty to make, I should not be able to avoid commenting in strong terms on the course which hon. members have thought right to take in this debate, I must hope they will receive those observations without offence. It was certainly with great surprise that I heard the amendment proposed by the hon. gentleman the member for the Bay. I can understand that the hon. member the Superintendent of Wellington, who in his eloquent address the other day denounced this war as unholy and unjust, and who condemned from beginning to end the proceedings of the Governor at Waitara, should be prepared to give his vote against the resolution of the hon. gentleman at the head of the Government; I can understand that he, conscientiously believing that the war is based upon an act of spoliation and a violation of the treaty of Waitangi, should disapprove alike of the proposition that the Governor was justified in opposing by force the resort to arms by Wiremu Kingi, and of the proposition that the welfare of both races requires a vigorous prosecution of the war. His conduct is at least open and consistent. But I confess that I am at a loss to understand how the hon. member for the Bay can justify it to himself to divide those propositions as he asks us to do, and affirm the one before he has made up his mind upon the other. He tells us that he has very grave doubts whether there were just grounds for taking up arms, but that he is nevertheless prepared cordially to concur in affirming the necessity of carrying on the war: he has no difficulty in making up his mind to go on sacrificing life, but "suspends his judgment" as to whether it be not in an unjust cause. Sir, I deny that there exists a necessity to prosecute the war if it was unrighteous in its inception; on the contrary, if we are fighting only for outrage and oppression, the highest necessity exists for putting an immediate termination to it (cheers). It is an evasion of a most solemn duty to put aside the question whether our cause be just; it is a cruel and remorseless thing to send men to their death while we are quibbling and doubting and hesitating upon a point of title; I say let us be sure we are fighting justly, or for heaven's sake let us put an end to it; and for my part I will wash my hands of the guilt of being accessory to the further shedding of blood, with any doubt upon my mind as to the justice with which the first shot was fired (cheers). Hon. gentlemen speak of disgrace in laying down our arms; but what disgrace can compare with the humiliation, aye the crime, of a great and powerful nation compelling by force of arms a few wretched tribes to submit to an acknowledged violation of the very rights she had guaranteed to them by treaty? I pray, then, hon. members to make up their minds whether such a violation has been committed or not. It is that question which is put to us in the resolution, and the amendment is the most transparent fencing of it. The war does not rest and never rested on the question of Teira's title. I told you the other night, that I for one thought it extremely probable we should find some of those now in arms against us could show a good title to some of Teira's block, and especially the Patukakariki; I repeat it now: and all the evidence which has been given by Archdeacon Hadfield and Mr. McLean at the bar of this house, and all the evidence you will ever get besides, has left and will leave the matter exactly where it was, namely that Teira had some land at Waitara in the block which he has sold, and that it is very likely others may prove they have some there too. Well, what of that? When they choose to come in as peaceful citizens we will hear their claims, and by all means let us declare that we will not deprive them against their free consent of an acre, no not of a single foot, of any land which they may prove to be theirs. The Governor's declaration at the foot of the deed secured them from the first, and we can only repeat the same assurance here as representatives of the Maori people no less than of the English. But does the hon. member for the Bay mean that because they may have a right to the land, Wiremu Kingi has a right to levy war against the Queen? He tells us he suspends his judgment; I want to know when he will make up his mind? [Mr. Carleton: When there has been an inquiry.] Well, but what inquiry? Have you any doubt as to the fact of the war pahs being built upon the land, as to the war dances, as to Wiremu Kingi's refusal of the safe-conduct? These are what the war must be tried by, not the validity or invalidity of Teira's title. Remember, the resolution does not raise the question of the policy of the war. We are only now doing again what we did in our barren debate of the other night, discussing the question of its justice; we are called upon to express the opinion of the country in the legitimate form of a vote of this House, and it is of the highest importance that we should trace the war to its true causes, and reject whatever false issue is suggested to evade an opinion upon them. If we can arrive at the conclusion that the war was not undertaken by the Governor to seize unjustly upon any man's land, but that it resulted from the attitude assumed by Wiremu Kingi, we ought not to shrink from the sacrifice of private opinion on many points where our judgment might not approve the wisdom of the original proceedings out of which we have drifted into this conflict of race. Sir, I among others have had to make and am still ready to make such sacrifices. But they would never have been required of any one if the military operations had been attended with success. Notwithstanding the disapprobation with which hon. members opposite received a similar expression from me the other night, I remain convinced that we should never have heard of all this outburst of newborn sympathy for "the "poor oppressed natives," if what every one expected had happened, and Wiremu Kingi had submitted to the demonstration of force made by the Governor. We should have heard nothing of these doubts on the part of people who take the moment of public danger to change their minds, but who would have been among the first to say if all had gone well that an immense service had been rendered to the country, and most of all to the Natives themselves, by the Governor's original proceedings of March 1859. It will not therefore, I hope, be considered that I am pursuing the same course as these prophets wise after the event, if I express my own opinion on one part of those proceedings. Sir, if it had happened that I had been one of the Governor's advisers in March 1859, I should have felt it my duty to tell him that in declaring on the one hand that he would buy no land the title to which was disputed, and on the other that he would not permit one Chief to prohibit another from selling, he was getting into an almost insuperable difficulty; because from the experience I had had of the extraordinary complication of the Ngatiawa title, I should have felt sure that there was no land that could possibly be offered for sale by any of that tribe which would not be disputed, and that if the Chiefs of the land league were still resolved to prohibit sales by others, they would most certainly not fail to set up a pretext of title on which to found that prohibition. I should have expressed such an opinion at the time, if I had happened to be at the Governor's

side in March 1859, and had been in any way entitled to tender him advice. I should have said, since natives so nearly allied in blood cannot settle their disputes among themselves without bloodshed, how can we hope to do so? But on the other hand, let us look at what was the real position of Her Majesty's representative. For five years these Ngatiawa chiefs had been slaying each other in disputes about their title to land, till the blood of murdered men cried to heaven against the rulers who continued to permit such crimes. The Queen's sovereignty was sunk beneath contempt; no man might walk abroad in safety, or claim protection against those who secretly sought his life: the punishment of death was pronounced against any chief who should presume to sell his own land: it was inflicted with merciless ferocity in the shining light of day, under the very guns of the Queen's troops, and in the sight of peaceful settlers. A league of minor chiefs of a conquered and broken tribe claimed to usurp the authority of law, and substitute for English rule a Maori reign of terror; this Wiremu Kingi, held up to us as a model of Christian virtue, at one time threatened (I refer to a public and official statement which has never, so far as I know, been contradicted) to exterminate every man, woman, and child, in a pa he was besieging; and on another occasion the menace of roasting Ihaia alive if he were caught, so fired the settlers out of the bonds of an enforced neutrality, that a generous band of men bound themselves at all risks to rescue and bring him in. I ask you, which of us will be rash enough to say that the Governor was not justified in trying to put an end to such fearful evils? Or rather let me ask whether the dishonour they had brought upon our name had not been endured too long? Do you mean even now to let the Natives kill each other to decide their disputes about land? [Mr. Carleton: No; but do not take their land.] Well, but you must settle their disputes for them, if you will not let them do it in their own way. [Mr. Carleton: In other words, you are to eat the oyster, and give them the shell.] No: and the imputation of such a motive for this war is what I most complain of. No Government that has ever existed here was actuated by such a motive; the motive in this case was to put an end to inhuman warfare, and I repeat that if it had succeeded you would have said the Governor had made a noble stand. Hon. members tell me of the rights guaranteed by the Treaty of Waitangi; I remind them in reply that with these rights came duties,—duties which Wiremu Kingi and his people had shown themselves determined never to fulfil. I am sick of being told that they may claim the treaty right of holding land, and the savage right of committing murder too. I am sick of being told that we must turn a deaf ear to supplications for help such as came to us from women and children at the last gasp in Karaka pa, but that when it is Wiremu Kingi who speaks we are bound to listen. Listen? why we offered to listen. How many times has it to be repeated that before a shot was fired the Governor offered him an opportunity in person to bring forward his claims, and that he rejected it? [An hon. member: You forget the Proclamation of Martial Law.] Indeed I do not forget the Proclamation of Martial Law; I do not forget how the hon. gentleman the member for the city (Mr. Forsaith), whom I regret not to see in his place, attempted to justify Wiremu Kingi's rejection of the Governor's safe conduct by the pretence that the Proclamation of Martial Law authorized him to continue in arms. Now I am not defending the issue of the proclamation; I cannot conceive the officer in command issuing it until the last necessity for doing so had been proved by the actual commencement of hostilities. I only form an opinion from the papers laid before this house; but from them I cannot find Colonel Murray was right in issuing the proclamation when he did, and I trust it may appear one day that however he may have wished to act for the best, the publication at that particular time was not in strict accordance with the Governor's command. But I care not whether it was or not. I say it is the merest pretence to plead the proclamation as an excuse for Wiremu Kingi rejecting the Governor's safe conduct. What! Is the Queen's Governor to go down in person, and condescend to offer a safe conduct under his own hand, only to see his offer rejected with contumacious insolence? No man shall make me believe for a moment that there is a grain of common justice or common sense in that. It would have been unjustifiable in a great chief of one of the unconquered tribes; it was outrageous in a petty chief of one of the families of the broken and scattered Atiawa. But, sir, the pretence is not only absurd, it is false. All of us who knew Wiremu Kingi when he was in arms on our side during the war of 1847, are assured that he is far too well aware of what Martial Law is, (for it was in force in his own district for a long period of time) ever to set up such a plea himself: nor is there a tittle of evidence that he ever did set it up. Now let me ask hon. members opposite one question. Will any man in his senses tell me he really believes that if Wiremu Kingi had not rejected that safe conduct, if he had not refused to come to the Governor when he was mercifully summoned to do so in February 1860, a single drop of blood would have been shed in this quarrel? (Cheers). Is there any one here pretending to the smallest acquaintance with native affairs who will venture to say, that if Kingi had come, and said to the Governor, "I claim a proprietary right to some "of this land, you are in error in assuming that my "opposition is based only on the land league, we "resist the survey because we will not suffer our own "pieces of land to be taken, inquire further into "our title," all further action would have instantly been suspended? Why, any one who says this must surely be afflicted with the mania whereof we have seen instances, the madness of supposing that the Governor went down to Taranaki in 1860 with a foregone determination to exterminate the Maori race. But when Wiremu Kingi rejected the safe conduct, when he built the war pahs, and challenged us by war dances, when he flew his fighting flag, was he not in insurrection against the Queen, and if so, do you mean to say the Governor was then to yield? Because that is coming to the point which hon. gentlemen opposite, and especially I regret to say the hon. member for the Bay, desire by this amendment altogether to evade. I have heard an absolutely insane argument, that Wiremu Kingi was only building these armed pahs on his own land, and that he had a right to do it. Yes; a right to build war pahs; a right to commit murder; a right to roast men alive; a right to butcher women and children; a right to levy war against the Queen! Why, that right is the very question at issue; it was to denounce the assumption of it that the Governor made his declarations of 1859, it was to crush its enforcement by the tomahawk that the Governor is engaged in this war. The representative of the Queen declared that the assumption of this right should be tolerated no more in the Atiawa country; Wi Kingi virtually declared that he should still exercise it at his good pleasure: which of them was to give way? I want you to answer this question fairly. Am I to understand that when the L pah was built the hon. gentleman the member for the Bay would have advised the Governor to yield the ground, to withdraw his troops, and to return to Auckland like a lashed hound? He does not advise our laying down our arms now, would he have advised it then? (Cheers). If he would not, if no one with any patriotic feeling would, then he must join with me in saying that on the head of Wiremu Kingi lies all the guilt and all the blood of those who have since fallen and shall yet fall in this quarrel. Sir, I have not been engaged for so many years in occupations which have brought me into much intercourse with the Maories, without becoming deeply interested in the race, and forming many friendships with individuals of it; I see with most real grief all

the dangers to them of this wretched insurrection, and earnestly desire to have them treated with lenity and mercy; but I say true mercy will be best consulted if we are able to convince them once for all that like ourselves they must submit to the law, and that attempts to reimpose the savage law of might will never be successful. But if you will neither make up your minds on the one hand that the war is one of violence and aggression, nor on the other that it is one into which we got drifted by a succession of events which reached a point whence retreat with honour was impossible, then I ask you rather to postpone the resolution than to cut it in two, and thus make this house issue a declaration of war against the Maori race, founded upon no statement whatever of any reason to justify it. For my part, though the resolution ought to have simply declared that the Governor was justified in the steps he took instead of that these were "indispensable," I am content to affirm by my vote to-day the views which I expressed the other night in this house, and which I have again at a length for which my apologies are due to the Committee, ventured to submit to their consideration. (Cheers).

Dr. Featherston.—Sir, I would not have taken part in this debate, had my hon. friend the member for Wallace not so directly appealed to me, nay challenged me, to express my opinion as to the motion before the House. I must say that the Government has exercised a wise discretion in withdrawing their first proposal, and substituting for it the present resolution; for it could scarcely be expected, after the disclosures that have taken place in recent debates—more especially after the admissions made by Mr. McLean in his evidence the other evening, that this House would either affirm the justice of the war, or declare their approval of the proceedings which have led to it. For my own part, Sir, I am glad of the opportunity of declaring, that whatever doubts previously existed in my mind as to the gross injustice of the war—as to the fact that a flagrant wrong had been committed, have been entirely removed by the inquiry that has taken place; however one-sided and partial the inquiry has been. I am also glad to express my conviction that his Excellency has been more sinned against than sinning in this matter, for he has evidently been most grossly deceived by those upon whose information and trustworthiness he had a perfect right to rely. It appears to me as clear as noon-day that this war is to be attributed to an undue pressure having been brought to bear upon his Excellency in order to force him to acquire possession of Waitara, no matter by what means, or at what sacrifices—to the incompetency of the District Commissioner to whom so delicate a negotiation was entrusted—and to a sinister influence exercised at the board of the Executive Council. At the same time I am not prepared to relieve his Excellency from the responsibility of this war; on the contrary, I hold him solely responsible for it: the war is an Imperial war, in which the Colony has not been permitted to have a voice—and therefore it behoves this House to take care that they do not by any resolution they may pass implicate the Colony in it, or make it responsible either for the expenses or consequences (hear.) With respect to the resolution before the House, in which the Government is urged to prosecute the war with vigour, I have in listening to hon. members who have spoken in support of it, been forcily reminded of a saying of a great French constitutional writer—that "passion makes us feel, but "never makes us see." If any evidence were required of the truth of that remark, it will be found in the present discussion, for every argument in favour of the war has been dictated by passion rather than by reason; every appeal that has been made has been to our feelings and sympathies, rather than to our cool and sober judgment. I trust, however, that this House will recognize that the questions involved in the present resolution are of far too grave a nature to be decided by our feelings and sympathies—for on our decision will probably depend, I do not say the progress, but the very existence of this Colony—on the determination at which we may arrive will hinge the future relations between the two races, and whether the present war shall become a war of races, ending, no doubt, ultimately in the subjugation and extermination of the Natives, but entailing, during that process, the utter destruction of the property, if not the sacrifice of the lives of the whole body of the present settlers in this Island. Sir, it is of course easy for this House to urge the Government to a vigorous prosecution of the war—to pledge ourselves to give them all the support in our power—to declare that the supremacy of the Crown must be vindicated and maintained, no matter at what cost; all this sounds very patriotic, and would undoubtedly, as hinted by the member at the head of the Government, tell well if spoken from the hustings to the people while they were in a paroxysm of war fever; but, Sir, I hope that no member of this House will be deterred by any such electioneering cry from boldly expressing his opinion and faithfully discharging his duty (hear.) I for one do not hesitate to say, that before urging the Government to prosecute the war with vigour—before pledging ourselves to a blind and unlimited support—especially before attempting to inflame the passions, and to array race against race, it is incumbent upon us, whatever opinion we may entertain as to the justice of the war, calmly to consider the sacrifices it will entail, and to form some estimate of its probable results. I believe, Sir, that there is not a single member who is not beginning to have a perception of the true character of the struggle. I believe that there are some few of us, who not only discern the dimensions the war, if prolonged, will shortly assume, but who despair of bringing it, I do not say to a satisfactory, but to any termination at all, as long as those who have so wantonly, so recklessly provoked it, remain at the head of affairs. I further believe, Sir, that a great change in regard to it, has come over the public mind—that a great reaction has already taken place—a reaction that will go on increasing day by day—and that before long deep and bitter denunciations will be hurled by an indignant people at those who have so rashly plunged the Colony into such an unjust war (hear). I certainly, Sir, would like to be informed what hon. members mean by a vigorous prosecution of the war? What prospect there is, not of carrying on the war with success, but of avoiding grave and fatal disasters. When we consider, Sir, that his Excellency has himself admitted that in the war in the North (I may say the same of the wars in the South) the Natives were always inferior in numbers to our troops, and yet that they were never defeated,—that, in fact, in every encounter which we have had with the Natives, whether at the Wairau, at Kororareka, at Okahau, at Ruapekapeka, at Wanganui, or the gallant actions at Waireka and Puketakauere, the English have never been victorious—that in all those engagements the Natives have remained masters of the field, in many instances repulsing the troops with great loss; when I say, with superior numbers, and with all the improved appliances of war, we have always come off second best, and been glad to make peace whenever the Natives were willing to grant it, I ask what prospect is there of our waging with success the war in which we are now engaged? In former wars the large majority of the Natives recognized that justice was on the side of the Government, and therefore either held aloof, or rendered powerful assistance. But in the present war, the sympathies of the whole race are with W. King. The "new policy" openly avowed by the Governor and his Ministers is regarded by the Natives as an infringement of the rights so solemnly guaranteed to them by the Treaty of Waitangi, and large numbers from almost every tribe are daily flocking to W. King's standard. Let us not forget that every engagement embroils us with fresh tribes—that the greater the slaughter, the greater the number of Natives we shall find arrayed against us

in the subsequent encounters. But, Sir, look at what has taken place at Taranaki, and the position in which we now are there—and then say, what you mean by a vigorous prosecution of the war. You have, I believe, between 2,500 and 3,000 men under arms there, and yet you have been unable to prevent the destruction of the settlers' homesteads within range of the guns. The futility of bombarding pas which can be rebuilt in the course of a few hours has been so amply demonstrated, that his Excellency regards it simply as a waste of powder and shot—and the troops are at this moment virtually besieged. If then, with 3,000 men, you have been unable to prevent the complete destruction of the Province of Taranaki; if you have been unable to do more than hold the town of New Plymouth, or rather that portion of it which has been entrenched—what do you mean, I again ask, by a vigorous prosecution of the war? If with 3,000 men, it is doubtful whether your position at Taranaki will be much longer tenable, how many men would you require, in the event of the war becoming general, to protect the other settlements in this island? Ask any military man, and I venture to say, that he will tell you that 10,000 men would not protect the towns of Auckland, Wellington, Wanganui, and Napier—that 20,000, aye, or 30,000 men, would not enable you to prevent the utter destruction of all the property, and the sacrifice of the lives of the settlers in the Provinces of Auckland, Wellington, and Hawke's Bay; and his Excellency himself has expressed his doubts whether with less than 5,000 men we can hold possession of this island! What chance then have we of success in such a conflict? What is the meaning of a vigorous prosecution of the war? We are told, indeed, that large reinforcements are expected; that his Excellency, after having first talked of a block house at Waitara, and 20 men, as being sufficient, has asked for 2,000, then 3,000, and lastly 5,000 men. Even if his Excellency got them—could you do more than hold a few military posts? But does any member seriously believe that the Home Government will send anything like the number of men his Excellency has asked for, if, indeed, they send any reinforcements at all? I have myself little doubt as to what the answer of the Home Government will be, when they become acquainted with the origin of the war. Sir, when the Directors of the New Zealand Company suggested to Lord Stanley, that the Treaty of Waitangi was a praiseworthy device for amusing and pacifying savages, his Lordship replied, "That he would not permit that any party, or any Go-"vernment acting in the name of her Majesty, could "contract a legal, moral, or honorary obligation, to "despoil others of their lawful or equitable rights." Sir, I venture to predict, that when Her Majesty's Government learn the facts of the present case—when they learn that the war originated in a grudge, entertained by Teira against his Chief—that because a native girl jilted Teira's brother, and married W. King's son, Teira swore that he would have his revenge—that knowing that W. King had given a solemn pledge to his father not to sell Waitara, but to keep it for an inheritance for the Ngatiawas, Teira resolved to satisfy his revenge by selling Waitara to the Government; when they know that of the 600 acres offered by Teira, and purchased by the Government, only a small portion really belonged to Teira—that the greatest portion is owned by natives, who have either protested against the sale or have never been consulted in the matter—that no investigation worthy of the name has ever been instituted into their claims—when, Sir, the Home Government learn these facts, if they have not already learnt them, I venture to predict that their answer to his Excellency's application for troops will be, that those who have been guilty, while acting in her Majesty's name, of so great a wrong, who have plunged the country into such a war, are no longer worthy of her Majesty's confidence, and that instead of reinforcements, her Majesty's Government will send out peremptory instructions to bring the war to a close, and to prevent any further shedding of blood in so unjust a cause. Such being my belief, Sir, I cannot assent to this resolution. On the contrary, I hold that it is the duty of this House—a duty it owes to the Imperial Government, to his Excellency (who has been grossly deceived), and especially to the whole body of colonists, to express its regret that his Excellency has felt it incumbent upon him to have recourse to arms, and at the same time its earnest hope that his Excellency may soon be enabled to bring the war to a termination. Such a resolution, instead of weakening, would strengthen his Excellency's hands; it would confirm the loyal and well affected, and would allay the alarm and anxiety of the natives, who are still wavering as to the part they shall take in the contest; and it would restore confidence in the justice of the British Government in the minds of those who are in arms, and would probably induce them to sue for peace on terms not dishonourable to the Government, which is all you can hope for in a war, in which you have everything to lose and nothing to gain. But if you pass a resolution, urging a vigorous prosecution of the war—which is nothing but an impotent attempt at bullying—you will impress a belief on the native mind that you have determined upon a war of extermination. You will force tribe after tribe to rise in revolt, and you will find out when it is too late to act, to use the expressive language of a native chief, that the fire you have lighted in the fern will go on spreading and spreading until the whole island is involved in one general conflagration. Before sitting down, Sir, I cannot help saying, that unless some unlooked-for success be shortly achieved, the question which this House will have to consider will be (if, indeed, it is not its duty at once to decide it), whether you are prepared to sacrifice the whole Colony, or to sacrifice those who have plunged us into this wretched, this miserable war (hear, hear).

Mr. J. C. Richmond said:—A remark that fell from the hon. member who last sat down reminds me of my desire to reiterate an observation which I made in a former debate on the subject now before us. I am anxious to do this, because on the occasion I refer to, when I stated my belief that a collision between the Government and the Maori race could not be indefinitely postponed, I was met by the high authority of the member for Wallace county, one of the ablest of the "Periti." I wish to yield all proper deference to his authority on questions of native habits, character, and history, but I desire to say that there are matters connected with that race which depend on broad universal principles, of which any member of this House, who has paid moderate attention to the subject, can form a just and reliable conclusion. I think it might have been concluded *a priori*, that the dangerous period of equality between the races would not pass over without collision. It is a very inadequate account of the King movement which attributes its rise and spread altogether to a desire for order and government. I entirely acquit the Maori race at large of any settled plan to levy war upon the Europeans, but the King movement, I believe, embodies a spirit which it was almost inevitable should arise, where two races are brought into relation on the terms that have existed between them and ourselves. I must hold my conviction, that it was all but inevitable that the issue should be tried by arms. In this conviction I think the Government did well to go out to meet the danger; and I think the choice of Taranaki as the place where the issue should be tried was politic. That district exhibited the spirit of insubordination, which gives part of its force to the King movement; but it is isolated from the centre of that movement, and it was not an unreasonable hope that the prestige of the British name might be maintained, or rather established there, without the flame of actual war reaching to any distant part of the island. I cordially support the motion of the hon. the Colonial Secretary in all its scope.

Mr. Fox said he should not have troubled the House on this occasion, but for the very pointed remarks addressed to himself and his colleagues, the members for the Province of Wellington, by the hon.

member for Wallace county (Mr. Bell), and the Minister for Native Affairs (Mr. Richmond). Mr. Bell had assured the house that he spoke under feelings of grave responsibility ; he (Mr. F.) did so no less. He (Mr. F.) should not, when this session was over, return, as many hon. members would do, to tranquil homes, far from the seat of war, or to garrison towns where they would be safe under the protection of the guns of the fort ; he would take his life in his hand and go back to his homestead on the frontiers of the war—his place of duty—and there exercise whatever little influence he might have over the mind of either race in endeavouring to avert the calamity which yet threatened his district,—a duty which, however incumbent on them, had been utterly neglected by the Government. The resolution before the House was not that which had originally been placed on the motion paper. The hon. the Colonial Secretary had originally given notice of a far wider and larger motion ; but, for reasons best known to himself, and not indicative of any great faith in his cause, he had substituted the milder motion now before them. He (Mr. F.) should have considered the latter motion, like the address, as a mere unmeaning string of words; but the members who had spoken upon it had given it a significance which it did not originally possess ; and he should now be sorry to vote against it, or to walk out of the house without voting (the course he should probably pursue), without saying a few words in reply to what had fallen from some hon. members. First, as to the defence attempted by the Native Minister against the charge of "sinister influences" having driven the Governor into this miserable war. He (Mr. F.) did sincerely hope that the hon. member would be able to satisfy this house and the public, that he and some of his constituents were not the authors of the war ; that it was not undertaken at their instigation. But he (Mr. F.) could assure him that such a report was not merely whispered in that House, but loudly bruited about outside, and received very general credence. It was commonly thought that if the circumstances had occurred anywhere else than in the Province represented by the Native Minister, there would have been no war. The hon. member had asserted that he knew nothing of the Governor's intention to buy Te Teira's land till it was determined on, and that he had had no communications on the subject from his constituents. He (Mr. F.) was quite willing to accept the statement ; but the question was a far wider one ; it was the general desire of the hon. member and his constituents to obtain land at Taranaki, to which he had pointed as the key to this war. It was most unfortunate that, representing that constituency as the Native Minister did, there should exist documents expressing the opinion of his constituents, which the Governor himself had branded as an unworthy "attempt to coerce the Natives into selling their land." It was impossible that the unprejudiced reason of man should resist the logic of a sequence of such facts ;—a constituency desirous of obtaining land,—a petition suggesting coercion to obtain it,—and a representative filling the office of Native Minister and his Excellency's adviser. He did hope that the hon. member would be able to clear himself of the imputation, for the credit of the Government, for the credit of the Colony, for the credit of the British name.

Mr. Richmond did not know to what documents the hon. member referred.

Mr. Fox.—His hon. friend had an inconvenient or rather convenient memory ; he (Mr. F.) would refresh it. He referred not only to the famous petition of the Taranaki Provincial Council, he also alluded to the letter of the Private Secretary to Mr. Carrington, of Taranaki. In that letter the Private Secretary said, "by direction of the Governor," that his Excellency had "reported at great length on Native affairs at "Taranaki, and particularly in reference to a proposal "to coerce a minority of Native proprietors who "might be disinclined to sell. He (his Excellency) "expressed his opinion that such a course would be "both unjust and impolitic, and Her Majesty's Go-"vernment had conveyed to him, in a despatch re-"ceived by him the other day, their unqualified appro-"val of his views." There was no mistake about it ; here was his Excellency's declaration that there had proceeded from Taranaki a proposal "to coerce a "minority of the Natives into selling their lands." Therefore he (Mr. F.) repeated that when he connected that fact with the position of the Native Secretary, there was an unavoidable ground of suspicion, from which no limited or faint denial would clear the hon. member (cheers from the cross benches). And there was another point which led to the same conclusion. It had been repeatedly stated that it was the necessity of vindicating the supremacy of British law which forced the Governor into a war. Now, had this necessity arisen at Taranaki alone ? No, he could point to far stronger and early instances of such necessity elsewhere. In Wellington Province, a district had been purchased some six years ago by the Government. The purchase was complete—no outstanding claims, no breath of suspicion tainted its validity. The General Government took possession, and sold in allotments to Europeans for hard cash. When one of these purchasers went to occupy his land, he found a Native cultivating one corner of it, accompanied by a few women, and one or two slaves. The Native, who had come to the land long after the sale to the Government, refused to let the purchaser use the land he had bought, and cut down the house he attempted to build. A sub-Commissioner visited the spot, and investigated the case. He told him (Mr. F.) officially, and told the Superintendent of Wellington, that the Native had not a shadow of a pretence to be there, and that he had ordered him to leave as soon as his crops were off the acre or two he cultivated ; in the meantime the purchaser should occupy the rest of the section, and might build his house. No sooner was the Commissioner's back turned than the Native again cut down the house which the settler commenced, and threatened his life with his tomahawk. The General Government was appealed to, and positively refused to interfere in any way. Subsequently several more Natives had come upon the land of other purchasers in the same block, and set the Governor at defiance. The land involved was far more extensive than the Taranaki block—there was no pretence of dispute as to title—the Government had held undisputed possession and actually sold it to Europeans, and the law could have been vindicated by a couple of constables. Why, then, this difference in the course pursued ? Was it that one case occurred at Taranaki, where the Native Minister was representative ; and the other occurred at Wellington, from which there is no member of the Government having access to his Excellency's ear ? The hon. member for Wallace county had urged that as the Governor had gone to Taranaki, and invited King to meet him, which the latter had declined to do, but, on the contary, had built a fighting pah, and appealed to arms, his Excellency had no choice but to take up the gauntlet or to come back to Auckland like a dog (as the honourable member had said not very respectfully) with its tail between its legs. This view was based upon a fallacy. The hon. member must go back to the beginning. His Excellency's visit was not till after the proclamation of war had been made, when King had already been told that "the fighting law was in force at Taranaki," and he might well say to himself, "I have no choice ; the Governor has declared war against me." Would any of us after such a declaration have put ourselves in the enemy's power ? As regarded this proclamation, about which so much has been said, it could in no way justify anything done under it by the Government. All lawyers knew it was not worth the paper it was written on. A proclamation of martial law, if it meant anything, meant the suspension of the British Constitution,—a thing which no Governor, nay not Her Majesty herself, could effect without parliamentary enactment. They ought to have read the Riot Act, not issued a "proclamation "of martial law." He (Mr. F.) was sorry to hear an attempt made to lay the responsibility of the manner in which this proclamation had been issued on Major

Murray's shoulders. It was, no doubt, a monstrous, an unheard-of thing, that a month before any overt act of rebeliion or resistance to law had been committed, the Governor should have signed a proclamation of martial law, and handed it over to the Major of a marching regiment to issue at pleasure, and plunge the Colony into war at his discretion. But the gallant Major was not to be blamed. Nobody expected him to exercise a political discretion, or to be responsible in such a case. The whole responsibility rested on the Governor and his advisers, and it was not creditable to attempt to shift it to the weaker shoulders which ought not to bear it. (Hear.) In conclusion, the hon. member for Wallace county (Mr. Bell) had expressed his astonishment how any one who thought the war unjust at the commencement could vote for its continuance. He (Mr. F.) saw no inconsistency. He disapproved of the grounds on which the Governor had plunged the Colony into war; but the war was a fact, and it was now virtually a war of self-defence; we had no prospect of safety but in its prosecution till King should lay down his arms. Suppose that he (Mr. F.) should see a policeman endeavouring to take a man into custody, and the latter violently resisting; he should certainly aid the policeman in bringing the turbulent fellow into the custody of the law; but would that prevent his condemning the policeman afterwards, if on inquiry into the case he found that he had been the aggressor? In the same way he felt bound to support his Excellency in maintaining British authority against King while in arms; but that in no way compelled him to approve of the Governor's conduct in provoking a war, or laid him open to a charge of inconsistency for supporting him in it now that it was commenced (hear).

Mr. Weld.—Sir, it has struck me, and no doubt it has struck this House, as remarkable. that, whilst the very large and influential meeting of Native chiefs at Kohimarama has, with only three dissentient voices (and those three near relatives of Wiremu Kingi), expressed its approval of the conduct of the Governor at Taranaki, that this House should have been so long in coming to any conclusion on the subject. Once more has the honourable member for the city of Wellington revived disposed-of arguments, and to reply again would be to "fight the battle o'er again, " and thrice to slay the slain." The hon. member's speech was a curious instance of the influence which strong feelings exercise over the judgment; the hon. member's sympathy seems to be entirely with Wiremu Kingi, and he is consequently blinded to the fact, palpable to every one else, that point after point raised on that side has failed and broken down (hear); he does not even see, what everybody else sees, the adverse result to his case of the examinations of Archdeacon Hadfield and Mr. McLean, and he appears happily unconscious of the impression produced on this House even by the cross-examination of Mr. McLean by Mr. Fox, a cross-examination which reminded every one of the famous cross-examination of Sam Weller by Mr. Serjeant Buzfuz, and which has been a source of great amusement at the expense of the hon. member for Wanganui, both in and out of the house (hear). Sir, we have been sitting here, holding the balance with a careful hand, whilst one member puts in a grain, another a scruple; we are going to consider and reconsider the matter till some Maori Brennus casts his tomahawk into the scale? But whilst hon. members are splitting straws by the roadside, events are moving on. All resolves itself to one or two main issues; the arguments of the defenders of Wiremu Kingi resolve themselves to this, that there are outstanding unsatisfied claims. If, for the sake of argument we were to admit that outstanding claims exist, still this fact is indisputable, no action of the Governor has barred any outstanding claims (hear, hear). If any man has a claim, let him put it in; let him prove it, but not with arms in his hands (hear, hear). We have heard much about responsibility. On those who doubt, on those who throw blame on the Governor and Government rests a responsibility no less grave than on those who affirm the justice of the war; for my own part, Sir, I accept the responsibility which attaches itself to the support of his Excellency's measures. Did I not feel competent to take a decided course on such a question I should consider myself unfit to be a member of this House, I should consider myself a mere obstruction; I should consider that I was committing a deep injury and real cruelty on both Natives and Europeans (hear, hear). The amendment of the hon. member for the Bay is, in a manner, burking what many desired to affirm, was a way of evading the question rather than meeting it. My hon. friend, the member for Akaroa, has laid down sound constitutional doctrine when he said that Ministers must lean on this House. But that involves a double duty; this House should also firmly support the Ministry or else oppose them, in which case they would resign. On these grounds I regret that my hon. friend the member for Wellington, after the strong expression of opinion that this was an "unholy war," should have resumed his seat without moving an amendment. If he believes the war to be "unholy," if he thinks he will see the time when his Excellency and the Government will be denounced by the voice of the country, if such be his sentiments, how can he sit down without moving an amendment embodying his views? In his place, with his opinions, I would do it; yes, Sir, if I stood alone (hear, hear). But if I cannot but condemn the course taken by the hon. member for the City of Wellington, yet more unworthy of his position is that of the hon. member for Wanganui, who has told us that he might probably decline to vote at all (hear). To walk out of the House on an occasion like this is unworthy of any member of the House, still more so of one who has been a Minister, who has been a leader of opposition, though he appears to disclaim that position now, who, in 1856, declared that he would return to the House as the triumphant leader of opposition.—[Mr. Fox and Mr. Carleton denied the words.]—Well, I was not present in person to hear, and probably have been misinformed; but whether an expression to that effect has been used or no, is no matter to my argument. Mr. Fox will not deny that he may be the triumphant leader of an opposition; now the possible triumphant leader of an opposition ought not to walk out of the House and decline to vote on an occasion like this (hear, hear). I hope, Sir, he will unite with the hon. member for Wellington, put his ideas in black and white, and stand or fall by them. A strong appeal has been made to our fears, but I believe that if the people of this country think this war to be just, they will not be held back by fear of loss. The other day I met in the street an old fellow-passenger, who came out with me in 1843, and whom I had not seen since; he told me he was almost totally ruined by the war, but added, whatever you do prosecute the war with all your might; better to lose all, better anything, than remain in the position we were in before the war (hear). It is remarkable that the men of Taranaki who have lost all, should uphold the Government and the war; but I can understand it, for I would myself rather lose property, and risk life itself, than live at the mercy of every turbulent chief, in perpetual insecurity and uncertainty (hear). Whilst speaking of the settlers of Taranaki, I cannot but express the deep pain with which I heard the imputations that fell from the hon. member for Wellington upon my friend and colleague the Minister for Native Affairs; but the pain I felt was rather for the hon. member for Wellington than for my colleague (hear). Probably the hon. member has not known the Minister for Native Affairs as well or as long as I have; probably he does not know the estimation in which he is held, not only by his personal friends but by the country (hear); had he done so, had he reflected that my hon. colleague's prospects and family have been almost ruined by this war, he never could have made such insinuations, insinuations which I hope one day to see him handsomely retract (hear); and this attack is based on the Taranaki pe-

tition, a petition which, after all, is founded on principles of English law, and on the plan of Sir George Grey, for the pacification of the Taranaki district. My hon. colleague had nothing whatever to do with that scheme, and never in any way approved of it, and if amongst the papers moved for there should be found a memorandum of the Native Minister's, I have no doubt but that it would prove to be directed against the petition. The hon. member for Wanganui must indeed be hard up for an argument, to go to the acts of the Taranaki Provincial Council for a ground for attacking the Government. If the hon. member for Wanganui should one day sit at this table, would he hold himself responsible for all the acts of the Wellington Provincial Council? Such grasps at straws show the weakness of his case (hear). I have heard with satisfaction that part of the speech of the hon. member for Wanganui, in which he stated what he was going to do when he returned to his district; I am only sorry that he did not take the same course before he came here:—[Mr. Fox. So I did.]—Then my hon. friend has a very peculiar mode of upholding the ends he professes to desire, for the well-known letter of the hon. member, if not a direct incentive to the Natives to join Wiremu Kingi, was as near it as anything I have ever read. I have been told that the disaffected Natives all considered that the Rangatira Fox was on their side, and justly, for the Governor's case was in that letter put in the weakest possible, and Kingi's in the strongest possible, view, not to speak of the Teira's father exploded episode (hear, hear). I will not detain the House much longer, but before I finish with the hon. member, I must express my assurance that if, as he seems possibly to anticipate, he should at any time unfortunately see his own district in danger, his own homestead in flames, he will then remember with regret the "spirit of cannibalism," and similar expressions used towards his fellow countrymen who have lost their all (hear, hear). Sir, we have heard a great deal about conscience, I do not talk about conscience as much as some hon. members opposite, but I can assure them that I shall do no violence to mine in voting for the vigorous prosecution of the war; but, if I could not in conscience affirm the war to be just, I would never consent to prosecute it, but like my hon. friend the member for Wellington would say, "The war is unholy, let us lay down our arms."—[Dr. Featherston said he had never advocated such a course.]—If I am mistaken in the suggestion of the right hon. member, I can only say that, admitting his premises, the deduction I supposed him to have drawn is strictly logical, and one that I myself would have accepted, did I believe the basis of his argument to be correct. It is incomprehensible to me, Sir, how anyone can at once say the war is unjust, and yet urge its vigorous prosecution (hear, hear).

Mr. Fitzherbert had not intended to speak on this subject, but as it had now become a general debate he would assist in it. The main question had been shirked by Government in every way ("hear" from the Treasury table). Since hon. members could not define "mana" he would give them a definition. It was the principle of counting heads as exercised by Ministers. Ministers counted, and finding that they had a majority, they say, "Now then say if the "Governor was not right in the war." It was the "mana," or influence of Government over that House for favours past and favours to come. Ministers had acted a treacherous part towards the constitution, and he, in common with some other members imputed to those gentlemen in that oracular corner, all the difficulties in which we were involved, from the evasive and unconstitutional manner in which the business of the country had been hitherto during the session conducted through that House. And then they came down with that mana of theirs, that "head counting" system, at which no one was more adroit than the hon. gentleman at the head of the Government. Well, it must be very clever, but it was not very manly, indeed it was most unconstitutional, and much to be regretted. The hon. member who had just sat down had been putting sentiments into the mouths of hon. gentlemen, and when he had set up his imaginary nine-pin he knocked it over. He must have been very hard up for arguments indeed. Instead of Government coming forward at the very commencement of the Session, as the proper custom was, and as they ought to do, with a full statement of their policy, it had been only dragged from them bit by bit. Any Government that acted in that way (professing to act on the principles of responsible Government) acted a false and treacherous part towards the constitution. He protested against this sham of responsible Government, which was attempted to be put on the House. The Ministers had done all they could to lose the confidence; the way to have secured it would have been to have presented to the House their policy promptly, and in a proper shape. But now, under the influence of the Ministerial mana, they dared them to a division, and what effect would that have? Then the amendment itself he thought was a mischievous one; he wondered what the hon. member for the Bay was driving at (laughter). What indeed was the effect of their talking, if it were not to deliver their mind freely? Representative men, assembled there when the Colony was trembling in the balance for its existence, seemed to think that that was a minor consideration, so long as they could avoid giving offence to the Government "mana." But whilst Ministers did not perform their part, he (Mr. F.) was free to confess that other gentlemen did not perform their part as a constitutional opposition. An inquiry had just been commenced, when scarcely were the mouths of the two first witnesses closed, than already at the Government table was framed a resolution which would have the effect of shutting their mouths. How could Ministers account for such an extraordinary proceeding? Supposing in the case of the Crimean war, on a committee of inquiry being commenced, the Prime Minister had, when one or two witnesses had been examined, endeavoured to choke the House of Commons with a resolution to the effect that "they were the best and wisest coun-"sellors that had ever advised Her Majesty," having first taken the bold precaution of procuring in his pocket a majority of votes. If, indeed, hon. members were only so many votes, then let them leave off calling them by the names of hon. member for the City, or hon. member for Wellington, but Nos. 1, 2, 3, to 40. (Laughter.) But this original resolution had been altered; he had thought that it was not in any member's power to withdraw a resolution without the consent of the House, but the Speaker had informed him that the resolution had not reached the stage at which that rule was binding. There was no Prime Minister in England who would have so insulted the House of Commons by proposing a self-laudatory resolution, one inviting confidence in themselves and blowing their own trumpets. (Laughter.) And then the hon. member for the Bay had taken issue on a minor point only. But this could not be made a party question, and he should decline most decidedly the invitation to vote upon it; but if he had gone out without expressing his opinions he might have been liable to misinterpretation. Wherever lay the blame, William King had been treated in a most cruel and inconsiderate manner. That House and the people of the country had had nothing to do with the war, and he would not endorse it. The result of such a vote would be that when Ministers came to the House and said, "We want so much to carry on the war "vigorously," how could they decline it? The resolution was a trap. They had none of them considered the cost, they had had no estimates before them. They ought to have had before now full and particular accounts of what Government had spent and what they were likely to require. They had had a good deal of loose arithmetic talk, but no statements, figures, and totals, such as Englishmen require. Was that the way to give their "generous confidence," which the hon. member for Wairau invited the House so

freely to bestow. Ministers had exhibited a great deal of virtuous indignation at the hints of sinister influences and motives which have been brought to bear on this, but they had not disproved their existence. He endorsed to the fullest extent the remarks made by his hon. friend the member for Wanganui. A Native Minister to go to war with the natives under his protection! He could not forget, and the country would not forget, and it would not be forgotten at home, that the Native Minister came from the seat of war and represented it. The hon. gentleman must recollect that in 1858 he (Mr. F.) had brought under his notice the condition of the people at Wairarapa who had been ejected from their land by the natives. The reply of the Native Minister was that it was too trifling a case for the Government to occupy their attention with. He (Mr. F.) had answered that they might be trifles to him, but were of the utmost importance to the unfortunate settlers themselves. One settler owned 600 acres, part of which was occupied by the Natives till that day. The Town of Featherstone was not a purchase like Teira's, but it was an indisputable one, and of all purchases ever made, the least liable to exception; but not only that one settler, but others also, had been driven from their land. A short time before he left to come to that house, another owner of 1,000 acres wanted his money back from Government, because he could not get his land. This happened in Featherstone Township, in the district of Wairarapa, in the Province of Wellington, and the General Government were acquainted with the whole of the circumstances. But there had been a prompt mode of action at Taranaki which was not exercised at Wellington, for what other reason, he would ask, but because it was to give Taranaki 600 acres of rich fat land—the vineyard of Naboth—the much coveted site of a township, and for that Government had entered upon the war, which they were now to call "in- "dispensable," if there be any meaning in words, "that there was not a single loophole at which they "could have crept out." Let them compare that case with the one he had put before them. Was there not a marked difference? On the one side, a Crown grant, with an indisputable purchase, and upon the other, a purchase incomplete, disputed, and the money not paid. It was impossible to say, on comparison of the two cases, that the same degree of justice had been used in one as in the other. This is what he (Mr. F.) called sinister influence: viz., an influence which was exerted in one direction when it was hoped to be likely to favour the constituents and immediate dependents of the Native Minister, but was disdainfully withheld in another direction when it was supposed likely to hamper the settlement of a Province which had already been dismembered by the Minister for Native Affairs, without, however, having satisfied his political vindictiveness against that Province. But who was this so sensitive about personal insinuations. Why, the very Minister who had hesitated not to hurl anathemas at the head of a high dignitary—like another Hongi, claiming a monopoly of fire-arms, but deprecating the use of the same weapons against himself. He (Mr. F.) would decline voting at all on this resolution; and he would equally decline the invitation to fall into a trap. He again repeated, that there might be no misunderstanding in the matter, whilst he would hold no parley with men in arms, yet he would guard himself against being cajoled into the acknowledgment that it was an indispensable war. The hon. member for Wairau could not comprehend how they could say the war was unjust and yet vote for its continuance. But they must recollect that they were at war with an uncivilized race who would deem us cowards if we made the first stop. The Governor had driven us to that course necessarily either to go on or to be charged with cowardice, and be exposed to the imminent danger of such an opinion amongst an uncivilized race. It was monstrous for the Government to get into this war, and then ask the house to whitewash them;—a house whose opinion they had never asked before plunging into war. They were told that the war was indispensable—that it must have come a year or two hence, and that the country would then have been more defenceless than now. That was a most preposterous doctrine which he could not find sufficient words to repudiate. They wanted to wash their hands of it, but it was impossible. He said the civil conduct of the war had been of a most disgraceful character. As the time for adjournment was at hand, and he thought he had performed his duty, he would not interfere with the arrangements of the house, but would merely observe that the war had not been proved a just one, and it was certainly highly impolitic. He could not call that indispensable which they owned might have been delayed for three years. It was monstrous to call it indispensable; they placed in one scale the honour of the Governor, and in the other the possible massacre of the inhabitants of this Colony. He had heard reflections made by the Government on the military conduct of the war; but, if it had been as bad as the civil conduct of the war, it would have been bad indeed. He (for one) merely regarded that as a herring drawn across the scent; and the Ministry of this country would never be able to justify themselves before the great tribunal of public opinion (whether British or colonial) for having first armed the Maori by removing the restrictions upon the purchase of arms, then disarmed the settlers by permitting the exportation of arms, and then surprising the settlers one fine morning in February, by a proclamation of martial law?

Mr. Jollie had not intended to have said anything in this debate upon the Maori question, as so many members had already spoken at length who knew a great deal more about the matter under discussion than he did,—as well as many members, who, he thought, knew less (hear, hear.) Indeed, on looking round the House, he found that he was nearly the only member who had not spoken, and as the discussion had already continued for nearly a fortnight, he began to imagine that unless he said something they would never come to a decision. (Hear, hear.) When the news of the Maori outbreak first reached the South, and it was understood that the Government intended at last to make the authority of the Queen paramount in these islands, the general feeling was one of satisfaction; but when news arrived that many influential men were endeavouring to thwart the Governor, by questioning the justice of his policy, the universal feeling was one of indignation. (Hear.) He, being a member of this House, reserved his judgment until both sides should be heard, and he could now say, with a safe conscience, that, after patiently listening to all the debates on the question, he entirely supported those gentlemen who believed in the justice of the war and in the necessity of it (hear, hear.) The hon. member for the Hutt (Mr. Fitzherbert) had taunted the gentleman at the head of the Government with reserving this motion until, having counted the number of heads in his favour, he was pretty sure of a majority. Now, that proved nothing more than that the hon. member had himself counted heads (hear, hear), and found himself in a minority (hear.) He had also expressed himself with considerable indignation that though two years ago a native war might have been begun in the Wellington Province, the Government had slighted that opportunity. Indeed, the tenor of the hon. gentleman's remarks would lead the House to suppose that he was jealous of Taranaki (hear)—and that his opposition to Government was based on the fact that the Province of Wellington had not been made the seat of devastating war (hear, hear).

Mr. Gillies had not intended to take any part in this debate, but the turn which it had taken induced him to say a few words. He belonged to a province where "the shoe did not pinch;" not to Taranaki, where they had a war, nor to Wellington, where they were jealous and wanted a war. He belonged to a province of the most flourishing revenues, which would have to bear a large portion of the cost, if the Colony had to pay for the war, and he would endorse the statement in the resolution, and so would his consti-

tuents, that this war was right and just, and ought to be carried on vigorously, till successfully concluded. They had got into the habit of talking as if the proclamation was a declaration of war; he looked upon it in the light of putting down an insurrection against the sovereignty of the Crown. It was not going to war for the sake of 600 acres, but to maintain the authority of the law and the supremacy of the Queen. That was the point on which he supported the resolution. If it had been for the sake of acquiring land, they need not have gone to Taranaki nor yet to Wairarapa, but might have found cases nearer home. He had felt indignation at this question being made the subject of party recriminations and personal imputations both by the Government and by the Wellington members. But he felt his blood boil with indignation when he heard the brave Taranaki settlers, who had sacrificed their all, brought in for a share of the scorn. He was not previously acquainted with any of them, but having read the history of that settlement, and knowing what they had suffered, he was indignant that they should be taunted with forcing on this war for sinister motives. He thought men who had sacrificed their all for the welfare of the settlement were worthy of a better fate than to have such vile imputations made against them. It had been said that the resolution was intended to entrap the House into paying the costs, but if so he would distinctly tell the Ministry that he did not, by voting for the resolution, bind himself to agree to pay the costs of the war; it was an Imperial war, and the Imperial Government, not the Colony, should bear the cost. But even if it had been otherwise, it had been undertaken for maintaining British honour, and he should not put honour into competition with pounds, shillings, and pence. He had counted the cost, and was prepared to accept it for the maintenance of British law. There was one point which had not been referred to, which was worthy of attention. When he first read the resolution he thought that Government was throwing down needlessly an apple of discord, and calling them to slay the thrice slain arguments; but there were parts of the speech of the hon. member for Wellington which convinced him of the judiciousness of the resolution. When the hon. member spoke of the case as frivolous, and spoke as if the Home Government had been ear-wigged in the matter, saying that orders would come out for bringing the war to a speedy close, and when he (Mr. G.) found a paper on the table, asking for the recall of the Governor, he felt that they owed him a duty to vindicate him for undertaking this war. He had proved himself the best Governor they had yet had; by that act he had shown that he did not flinch when necessity arose from taking his position to maintain the authority of the British Crown and to stand by the colonists.

Dr. Monro did not know that he could add anything to what had been said, but so many persons had addressed the House that, if he kept silent, he might, perhaps, be thought to be in doubt upon the course pursued by the Governor, but as he never had any such doubts, he was unwilling to lie under such an imputation. They were asked to affirm two things, first, that the interference of William King had rendered the measures of the Governor indispensable, and also that the welfare of the Colony required a vigorous prosecution of the war to a successful issue. There was also an amendment before the House, by which they were asked to affirm only the second question. He had heard it said that they were essentially distinct, and so they were, in one respect, for each was a separate object on which the intellect must be exercised; but on the other hand, viewed as parts of a policy, they had the relation of cause and effect, and could not properly be severed, and any consideration of one without the other would be more or less incomplete. He trusted that they would make up their minds that the war was to be prosecuted on a just foundation, for otherwise it would be lamentable to carry on a war of this sort, involving such great destruction of life and property, with a people whose inferiority in knowledge and power demanded at our hands the greatest consideration. If they looked to its immediate effects on the aboriginal race, and the feeling of estrangement and hostility which would be produced by it, it would be a most deplorable thing, unless it were just. He could not make up his mind that it should be vigorously prosecuted, without making sure of the justice of the cause. If he thought it were unjust, for his part, he should be inclined to say, "let us endeavour "to find some grounds for ceasing to prosecute this "unholy war." But he was perfectly satisfied that the ground was just, and that the result would be to leave the two races in a better state than before; he should vote for its vigorous prosecution. It had been remarked by other speakers, and he entirely agreed, that this war was inevitable. If anyone would consider the connexion between the natives and the colonists, they would understand that it was perfectly natural that the natives should desire to throw off some of the trammels imposed upon them, and to measure their strength with them; and such a state of the native mind had been gradually developing itself. In an infant colony like this, where there were two races side by side, the one anxious to acquire land and making encroachments, and the other jealous of its territorial rights and position, it was inevitable that a collision should sooner or later occur. A medical man might regard it as one of those infantile diseases, as teething, through which the colony must pass. But some said we should have waited till we were stronger, that it was too soon, but he wanted to know when we were to be so much stronger; supposing it had been delayed for a year, as perhaps it might have been, by some weak concessions, and perhaps not, the natives had been entering into organization of a formidable character not at all to the advantage of white men, and in the next year advances might have been made by them, which would have rendered them far more difficult to overcome. To use their own words, "the "pah was not yet built," and had we waited a year, the pah might have been built, and it would have been much more difficult to besiege it then; they had said, "wait till we are more numerous," but he did not think any advance in number to be reasonably expected in the next three years, would have given much advantage over the natives, supposing we should be four or five times as numerous as we were now, we should still present the same front of weakness, for the progress of colonies was always by out-settlements and stragglers. Out-settlers were numerous now, and when we were a large population they would be more numerous still, and unless there was an organization for purposes of defence, the frontier weakness would be greater than now. He thought it was perfectly clear that there had been gradually growing in the native mind a feeling of independence and insubordination, and contempt for the authority of Government. The hon. member for Wellington had told them of events that occurred within their own province; that illustrated still more strongly the existence of such a feeling on the part of the natives. It was, in fact, general throughout the colony, and exhibited itself in land leagues and the King movement. Now he did not suppose that the Governor had had his eyes entirely closed to those things, and though he had thought proper to take this particular instance of land at Waitara, and though perhaps he might have found an equally good cause at Wellington, yet there was no evidence to show that the Governor was not perfectly right. And it was quite time to come forward and make a stand against proceedings which were inconsistent with British Sovereignty. He did not wish to attach too much importance to the claims of Taylor or W. King, but there was no evidence that King had any claim at all. His ground was only as a land-leaguer, and that he was determined that no more land should be sold at Taranaki. King had been looking some time for a pretext for embroiling himself with the British Government, and he (Dr. M.) looked upon his claim as a mere defiance of the Government. The natives had had the benefits of the Treaty of Waitangi, so far as the possession of their land, and they must be taught that that treaty

required that they must submit themselves to the authority of British law. He believed that it was as much for the benefit of the Maories as of the colonists that this lesson should be given them. It had been said that their only fault was that they did not choose to sell their land, but that was not it. Their crime was that they entered into combination to prevent others selling their land. If they were allowed to do that, colonization could not go on, their own progress would be arrested, and a Government of brute force would be substituted for one of reason and justice.

Mr. Ward wished to give something more than a mere assent by vote to the resolution, in the terms of which he heartily concurred. He was exceedingly glad that the House had an opportunity at last of recording its opinion as to the justice of the present war, for the length of time over which the debate had extended, without including any definite question upon which the sense of the House as to the war could be expressed, had, he was sure, been prejudicial in many respects (hear.) Some hon. members early in the day expressed a sort of surprise that the present resolution had been put before the House, complaining that the Government wished to "squeeze acquiescence" in their policy from them, and expressed a regret that the resolution was not one which everybody could vote for. That very condition was its great merit in his eyes (hear.) The question was a simple one, giving an opportunity to those who wished to say "aye," and compelling those who were adverse to the Government in this matter to say "no" distinctly. It was, in fact, the verdict of the House on the evidence before them, and it was time that such a verdict should be given (hear.) Since the House met, suggestions of doubt as to the justness of the war had been thrown out by members who, together, certainly formed a small minority of the whole. A great deal of time was taken up in expressing these doubts, and then more time was granted for the endeavour to confirm them (hear.) He had voted against the enquiry by committee, because he wished a decision as to the conduct of the Government to be recorded first, knowing that such a decision could not prejudice any claim of Kingi, or any other man, which would in due time be properly investigated and determined, without the result in any way affecting the question now at issue (hear.) In all ordinary cases it would certainly be the duty of a majority of the House to avoid forcing the expression of an opinion until means had been taken for setting at rest any reasonable doubts entertained by the minority from want of information. But in the case before them, delay was so full of danger, that he believed it to be justifiable that the majority should exercise some amount of tyranny (oh, and hear.) The Colony, both white settlers and natives, including those now engaged in the active operations of war, were of course watching for the verdict of this great tribunal (hear.) The doubts which had been expressed, and the apparent unwillingness of the House to come to a decision, must give confidence to the insurgents, and bring dismay to those brave men fighting for their lives and homesteads at Taranaki. "Thrice is he armed who hath his quarrel just;" and if it were to appear uncertain whether the war is just, the already weak hands of our soldiers would be still more paralyzed. He had no difficulty whatever in making up his mind as to the origin of the war. The same opinion which the narrative of events connected with the opening of the conflict had left upon his mind at the time as they occurred was confirmed by the result of Archdeacon Hadfield's examination (hear), and still more by that of Mr. McLean (hear). Enquiry had been granted upon the ground, doubtful in itself, that Kingi had asserted a claim. The nature of the claim was not specified, but it must be one of two sorts,—either a part ownership in the land, or a right, as a chief, to forbid the sale. The Archdeacon had not attempted to prove the former; but he made a remarkable admission on this point; he said that he had believed Kingi's rights to have been overlooked in the purchase, until he found that whatever land Kingi had a claim to, was specially reserved in the deed of cession (hear). In fact, the ground on which the opposition stood had been cut from under their feet by finding that the purchase had been transacted in no such blundering manner as they supposed. Then, as to the right of chieftainship, he gathered from the Archdeacon's evidence very plainly that Kingi had no natural status by birth as a chief of the *hapu* from whom the war block had been purchased. Even admitting, for the sake of argument, that the Ngatiawa possessed the *mana* over the land, allowing Kingi's high position in the tribe generally, and granting that Ropoama was not the real chief of the *hapu* to which Teira belonged, still it was plain that Kingi was stretching his *mana* unwarrantably in forbidding the sale, and was assuming an authority as a chief where he did not legitimately possess it. With no better case than this, Kingi's claim was as trivial as it could be, and those who denied the justice of the war, because there was such a claim as this unsatisfied, had but a bad reason for their conduct. He repeated that he was heartily glad the resolution had been brought forward, and he urged upon all the duty of expressing their opinions whether for or against it. The Governor and his advisers must be naturally very anxious to learn the verdict of the colony upon their conduct as expressed by the House; the Home Government would also without doubt be strongly influenced by it (hear). The present Governor had taken a stand which no previous Governor had been bold enough to take; a stand which he (Mr. Ward) trusted would be a turning point in the system of native Government generally (hear). It had been said by some hon. members that the weakness, vacillation, and submissive policy of previous Government in all native difficulties had fostered the feeling on the part of the natives which led to the present war. With this view he heartily agreed, and he was therefore rejoiced to find that his Excellency's conduct at Waitara had been different from that of former Governors. His Excellency and his advisers had everything to lose and nothing to gain by appealing to force; and every candid man must give them credit for having done so in furtherance of the true interests of both races, with no meaner object in view. Thoroughly believing this to be the case, he should give his vote for the resolution with pleasure (hear).

Mr. Daldy wished it was in his power to follow the last speaker, and to give his assent to this resolution: but first he must remark with regret that so many members had gone past and avoided the real question; he should put it in its true light. He thanked the Colonial Secretary for putting this motion on the paper because it afforded an opportunity of discussing the real merits of the war. In his opening address the hon. mover had referred to the coming general election. Now he (Mr. D.) understood the meaning of the alteration in the notice. Then the Native Minister had said, "you have been picking at the policy, now we'll give you some more of it." This was an unfair accusation; but if they had been picking at the policy, he was sure they had picked up but very little yet. Then the hon. member for Wairau had said, if the House did not support the resolution, Ministers would resign. But he (Mr. D.) could not give them his support on this question. He objected to the phrase "indispensable." He was sure that neither Governor nor Government had any idea of going to war; or if they had expected it what provision had they made for it throughout this island? No, he believed war never was expected. Then they were asked to approve the conduct of the responsible Ministers and of the Government in taking a step which they knew might plunge the country into war, without their making the slightest provision for it. On being asked for this vote of confidence, members had a right to look at the broad question of what had brought this war on them. It was the vacillating policy of the Governor and the Government. The subject had been repeatedly introduced before the

House; in 1858 opinions were deliberately expressed upon it, and now it was considered of such importance that the Governor and Government and an hon. member had produced new plans of native policy; but was it not too late? Had not Government steadily opposed any change for the better for the last four years? He was surprised to hear an hon. member say that the lesson would be beneficial; he was inclined to think that it was the Maories that were giving us the lesson at present (hear). Then the King movement had not been suppressed. Ministers knew that for the last four years the natives' attention had been all directed to this movement, and retaining their land; nothing had yet been attempted to divert their thoughts from these projects. Had they been allowed to sell their land this war would have been prevented; and any measure that would have assisted their trade and commerce would have secured the peace of the country. But we were told that the war was "indispensable." When one of the Omata settlers went to the Native Minister and said he had paid for his land, and the natives would not let him have it, the Minister said, "take your money back again;" and there might be twenty such cases. Again, Ministers had selected this opportunity for plunging us into war as winter was approaching; and could they point to any precautionary measures in event of this war? He had been struck with the remark of the Colonial Secretary, that block houses had been built in different places; but they had not built one at Waitara till after the war had began. He believed, too, there were still a thousand women and children at Taranaki surrounded by savages, against whom our troops are unable to take any active operations. Looking at the policy and conduct of the war, he could not assent to that resolution: he agreed with the latter part, for it was now indispensable for the safety of the whites, and merciful to the natives that they should be forced to lay down their arms. But we were in a very unprotected state at the present time. After all the evidence that had been produced, it was his opinion that Government had believed they had just grounds for the war, but that they had rushed into it unnecessarily, and without due preparation.

Mr. Carter said, Sir, the time of this Assembly is precious; by law, its duration cannot extend to more than between three and four months from the date of the opening of this Session; yet the business of the House has hardly commenced; and when I say, there never has been, in the history of this Colony, a period so fraught with peril to settler, to native, and to the prosperity of the whole Colony, I think I shall not be overrating the difficulties of our present position (hear). We have had Maori disturbances before, but then our wealth and population were small, and in considering the present state of the Colony, its importance is greatly augmented by the increased magnitude of the interests at stake. It must be remembered, taking only the last ten years as an example, that the New Zealand of 1860 is very different to the New Zealand of 1850 (hear). At the close of 1850 our population was only 26,707; in 1860 it is upwards of 71,000. Our live stock in 1850 numbered about 300,000; now it numbers two millions (hear, hear). In 1853 the total revenue of the colony was about 149,000*l.*—while for the year 1859 it amounted to nearly 460,000*l.*; and other sources of wealth have increased in a proportionate degree (hear), Yet while this rapid progress has been achieved by the British colonist, the aborigines have decreased from a supposed enumeration of about 100,000 souls, to about 56,000 souls; and while the former are full of hope for the future, the latter have become gloomy, discontented, suspicious, and apprehensive—nay more, an actual state of war exists, which at first only counted its hundreds of sable warriors, but now numbers its thousands, and is hourly being increased and fed, by adjacent tribes; and if not speedily stopped, must draw into its vortex tribe after tribe, until all are swallowed up in a general state of rebellion, when the destruction of life and British property will be something fearful to contemplate (hear, hear) Sir, the Ministry have laid on the table of this House a mass of valuable information: they have had it some time in their possession, yet we have been favoured with no complete or general statement, as to the real condition of the Colony, or what they propose as remedies, in the shape of a policy, for its present diseased state; and when the Colonial Secretary rose to propose the resolution now before the House, he seemed to treat the subject very lightly. I listened with regret and disappointment to his speech, which simply introduced the subject in a style somewhat flippant, not becoming the high position he holds. One would think from his manner, that the war would be finished to-morrow, or the next day, instead of knowing as he did, that three thousand armed men, our brave soldiers and settlers, were hemmed in at Taranaki by a horde of natives. We have also been left without explanations of their policy as to the past, present, or future conduct of the war (hear). This House will bear in mind that the Colonial Secretary and his colleagues—the Ministry responsible to this House—have by this House been treated with great forbearance: we must not forget that. They entered on this war on their own responsibility and unprepared for it:—they have continued it for six months without calling together the representatives of the people; they, at each new step taken have plunged deeper into it; they have been worsted in the conflict;—they have been driven off British territory;—they have shown us the way into a war, but have not shown us the way out of it (hear, hear). Sir, I trust in the grave situation in which we are placed, they will not long delay or conceal their intentions as to what is their war policy. We are, I, think, all agreed that the war should be prosecuted vigorously—that W. King has taken the law into his own hands—and we cannot treat with him till he has laid down his arms. In the province to which I belong there is a deep, a heartfelt sympathy for the settlers of Taranaki. Wellington knows what a Maori war is on a small scale. The Hutt settlers have not forgotten the time when their homes were plundered, and six of their fellow settlers murdered by natives; and while I thank the hon. member for Lyttelton (Mr. Ward) and the hon. member for Dunedin (Mr. Gillies) and other members of the Middle Islands, for their kind offers of support, as regards the expenses of the war, I would ask them to excuse Wellington members for feeling more deeply, and speaking stronger, than themselves, on this war, living as we do on the confines of the seat of war, and believing that if the war continues, there is great probability of its extending, first to Auckland and Wanganui, next to Wellington, and then to Ahuriri. I may here mention that in the Wellington Provincial Council I voted for a resolution supporting his Excellency, in the vigorous prosecution of the war, but I guarded myself against giving an opinion as to the justness of the war; and while I rejoiced at the spirit of his Excellency in taking up arms, as he said, in a just cause, I assumed three things—first—that W. King had no right to interfere in the sale of the Waitara land; but from what I have heard in this House, I have now my doubts about this; secondly, I concluded the Government were prepared for a war—such was not the case, but just the reverse; thirdly, I supposed the war would be prosecuted with judgment and energy; but instead of that it appears to me to have been completely mismanaged; still after all this, I am willing to take it as I find it, and afford the Government support in bringing the war to a successful termination. At the same time I think it is very important, that this House should understand what the Ministers mean by prosecuting the war with vigour,—by what means the war is to be carried on—and where the money is to come from. (Hear.) I was glad to hear the Colonial Secretary say, a few nights ago, that the amounts paid out of the Colonial chest had been small as yet, but he did not say how much we shall have

to pay, on account of the pledge he has given, if the Imperial Government refuse to pay the Militia expenses, &c., the cost of which up to this time cannot be far short of 20,000*l*. (Hear.) The House would like to know, if the war is carried on with vigour to establish the Queen's supremacy, whether the Government intend to put down the King movement—execute the Omata murderers—and make the rebel natives pay the expenses of the war in land (hear). This is desirable, but the Ministers must first shew the feasibility of the scheme, if they intend to do so. In the district that I represent we shall require five or six stockades, and every settler a rifle—and pay. Thus far, sir, I have endeavoured to confine myself to the question before the House, the war, to the discussion of which I have listened with pleasure, except in one or two instances, when I felt pained when the speakers alluded to, and found great fault with Sir Gerrge Grey's native administration. Now while I admit that I never did agree with Sir George Grey's political principles, yet I will do him the justice to say he restored peace, he maintained peace, and left the Colony in peace. And how was it done? He travelled through the country, enduring privation and fatigue! he interested himself in the social affairs of the natives; he studied their lanugage, their manners, customs, and traditions, by personally visiting them; and when he left the country, his policy ought to have been continued, or a better one substituted for it (hear). The natives in the district which I represent, very much complain that they have never received one visit from his Excellency; I say this with all due respect for the Governor; I say it believing that it is the duty of a representative to state frankly the wants, wishes, and complaints, of the district which he represents, (hear, hear). The Government, too, have sadly neglected the district I represent; the natives have in two or three cases taken the law into their own hands, and when remonstrated with reply, "we have no justice to appeal "to, what are we to do." The natives and settlers complain of the inefficient state of the administration of justice. As one time we were entirely without any; now the district Judge, I believe, has only been once since his appointment, and instead of going at fixed periods, cases or no cases, like a Judge on circuit, he considers it his duty to go only when there are a sufficiency of cases to try. Recently, a gentleman has been appointed as Resident Magistrate, principally, I understand, to adjudicate in Maori cases, yet I believe he labours under the disadvantage of not speaking the native language. I think it must now be apparent to this House that the present system of managing native affairs has resulted in a war; and that a new system is required, to initiate, to restore peace, and prevent future war; and I take this opportunity of declaring that so long as the Imperial Government persists in retaining in its hands the exclusive control of native affairs, so long must it be held responsible for the payment of the cost of native wars; and this was an Imperial, not a settlers' war. Sir, I trust as this debate is about being brought to a close, that all angry feeling that may have been engendered in the course of it, and the preceding ones, may subside into a general desire to expedite and get through the real business of the session, so important to the future welfare of the Colony. (Applause.)

Mr. Stafford: Sir, I do not wish to prolong the debate on this subject, which has occupied the attention of the House for some days, but I am constrained to reply to the statements made by some hon. members opposite, to the effect that the Government has acted under some sinister influence with respect to the course taken in the province of Taranaki. In support of this allegation, the Petition of the Provincial Council of that province in 1858 has been alluded to, and it has been inferred that because the petitioners had, amongst other opinions, expressed a desire for an accession of territory, that, therefore, the Government had been influenced by that consideration, when it determined on the measures which have led to the present position of affairs. And it has especially been asserted that my hon. colleague (Mr. Richmond) has brought a strong influence to bear on this question. owing to his connection with the province of Taranaki. Sir, the petition in question not only met with no support from my hon. colleague, but he objected to any action being taken upon it. I have the original petition in my hand, and I find, from the minutes on the papers, attached to it, that when I received it, I forwarded it to the Governor without any remark. His Excellency, also without remark, sent it to the Native Department, who wrote a minute on it, recommending that the petitioners should be informed that the course suggested could not be taken, and would lead to no practical result. I find, Sir, that I advised the Government to the same effect, and that, with his Excellency's approval, I replied to the petitioners in the same terms. I may here observe that this petition, which has been so branded by the hon. member for Wanganui, was also presented to both Houses of the Legislature in 1858, but that neither House seems to have thought that it required any special notice. Surely, sir, if this petition deserved to be so stigmatised as it has now been by the hon. member, who could scarcely find epithets strong enough to bestow on its prayer, it ought to have been, and would have been, denounced at the time by one or other branch of the Legislature (hear.) This petition does not therefore appear to have had any particular, and certainly no practical effect on those to whom it was addressed. It was never considered for a moment by any member of the Government, in reference to any measure which circumstances might appear to require to be taken at Taranaki. The imputations sought to be cast on the Governor and Ministers by the hon. member for Wanganui, in connection with this petition, and with the very natural desire of the settlers at Taranaki to acquire more land, do not excite any indignation, looking at the quarter whence they proceed. Such charges from some quarters might be felt; but for myself I may say that I have long since ceased to feel indignant at any aspersions coming from persons whose motives for making them I neither respect nor esteem. I may say the same with respect to the charge of exercising some mysterious "mana" over hon. members, which has been attributed to me by the hon. member for for the Hutt (Mr. Fitzherbert), who appears to be unable to see that in making such a charge he was, while aiming a blow at the Government, really inflicting an infinitely more severe one on members of this House, in implying that they were actuated by improper motives (hear). Sir, the hon. member for Wanganui has attacked the people of Taranaki for wanting land; and has blamed the Government for being influenced by the desire to get land for them, while it would not risk a collision with the Natives by attempting to secure to settlers in the Wairarapa some land which the Natives there disputed possession of; and sinister influences are imputed as controlling the conduct of the Government, which is represented as ready to go to war in the one case, while it is indifferent in the other. I can say, Sir, that the Government does not recognise any analogy between the question of the dispute at Taranaki and that at Wairarapa, or in a similar case to the latter, which had occurred at Omaha in the Province of Auckland, where land has been bought and paid for, and a township laid out on it, but the Natives disputed possession. The action of the Government in the Taranaki case was prompted by a very different desire than that of the acquisition of some 600 acres of land. Had the block in dispute there been one of 60,000 acres, it might possibly have been believed by some that a desire to acquire it had influenced the Government; but the statement that for the sake of a paltry 600 acres, a mere fraction of the homestead of many hon. members, not only the Minister for Native Affairs, but all his colleagues, and the Governor himself, had been influenced in the course which had been taken, was too monstrously absurd to find belief (hear, hear.) The course taken by the Government at

Taranaki was so taken in justice and mercy to the Natives themselves. It was taken to put an end, if possible, to the internecine feuds in which the Natives had been for years engaged at Taranaki; which had been the cause of murders and deaths amongst themselves, which were decimating them, and which threatened at any moment to involve the settlers also. Sir, his Excellency was compelled to attempt to put an end to such a state of things, which were of constant occurrence under the very eyes of the garrison there. The time had come, if ever, when, in very mercy to the Natives, the law must be upheld; this was the influence by which his Excellency and his advisers had been actuated. (Hear). If the bone over which the Natives were quarrelling amongst themselves, with so much peril to all, were removed, peace and order would prevail. I am not singular in this belief, for I find that the author of one of the best epitomes of the history of New Zealand which has yet been written (Dr. Thomson), writing in England, at a time when he could know nothing of what the Governor would do at Taranaki, declares that the feuds amongst the natives there would only cease with the purchase of their lands, concerning which those feuds arose. The statement, Sir, publicly made by the Governor at Taranaki in March 1859, that he would not allow persons having no claim of ownership to land to interfere with the owners, was the announcement of a wise and merciful policy towards the Natives (hear). The Proclamation of Martial Law referred to by hon. members, did not, in reality, apply to the Natives, but to the European settlers. The suspension of ordinary law by that proclamation, was intended to enable the military authorities to take such steps as might appear requisite, and it was not the Natives but the settlers who were really affected by it; and I must say that under it the settlers have been coerced to an extent which neither the Governor nor his advisers contemplated (hear). The hon. member for the City of Auckland (Mr. Dalby), and the hon. member for the Wairapa, have complained that no preparation for the present war had been made. What was meant by preparation for war? Did they mean that because it was possible that a war might occur, the whole population of the Colony should previously be called out, drilled, and armed? Would such a step have been successful, when even at present it was in some places so difficult to get the militia to attend drill? and would it have been politic? What would have been the effect on the Native mind throughout the Colony, if they had learnt that instructions had been sent, either publicly or privately—if privately, so much the worse—to arm and drill all the colonists? If it was meant that there were not sufficient arms in the Colony, I will admit that there is not sufficient of the newest and most approved description of rifle, or breach-loading rifled carbines, to arm all the population; but there is a very fair supply of arms of one kind or another. There has always been enough at all points where they were required for use; and so long since as July 1859 an order had been sent home for 1,000 rifles, in addition to those already in the Colony, which order has since been supplemented, so as to secure that, in all about 5,000 rifles and rifled carbines would be ready for use, an amount which ought to be amply sufficient for some years. For it cannot be supposed that a young Colony is constantly to keep itself supplied with the newest "arms of precision." For myself, I would prefer to go into action with a musket or double-barrelled gun, rather than with a rifle, unless practised to the use of the latter. Sir, it would have been not only most impolitic but ridiculous had the Government previously announced an intention of going to war. Had we said we were preparing to go to war, we would have made war certain, which to the last was uncertain; and as to preparation, if war did occur, we knew, and the event has proved it, that we could prepare as fast as those who might be opposed to us, who required concert and combination for war as much as we did. The hon. member for Wanganui, and those who acted with him, have represented the people of Taranaki as anxious to go to war to get the paltry piece of land in dispute, thinking that it would be easily settled—a war soon over. The Superintendent of Taranaki, who on this subject represented, I believe, the opinions, not only of the Provincial Government, but of the bulk of the people, wrote to the Governor, as will be seen on reference to the papers before the House, that it was probable that resistance, which might entail privations and losses on the settlers, would be offered by Wm. King; yet he and the people generally did not shrink from such a result,—they only counselled a determined attitude on the part of the Governor (hear, hear). Sir, the charge against the people of Taranaki and the Government is baseless; and if it were true, it comes with a very bad grace from representatives of the people of Wellington, who, in the last war, censured the then Governor for not proceeding with more vigour in putting down the opposition of the Natives there, who disputed the occupation by the settlers of land, as to which the Government had made no engagements, but which had been sold by the New Zealand Company to its settlers before they had ever seen it.—(*Mr. Renall:* No.)—The hon. member for the Hutt says, no, but he must allow me to tell him that I am well informed as to what I am saying. I was at the time in Wellington for five consecutive months during the war there, and I had every means of knowing the opinions of the settlers, from the local journals, and from a daily intercourse with them. Their opinions were strongly in favour of the Natives being compelled by force of arms to permit peaceable possession of the lands selected by the settlers under purchases from the New Zealand Company in England. This desire was very natural, for as noble a body of colonists as ever left the mother country had emigrated to Wellington under the auspices of the New Zealand Company, and had staked their fortunes on establishing themselves on certain lands at Wellington sold to them years before; and although the local Government was not originally implicated in the sale of these lands the settlers naturally looked to it, and urged upon it, to secure to them possession of the lands for which they had paid; they were quite ready too to support their opinions in the field, and turned out willingly whenever an opportunity offered to assert their rights. I may here state that the gallantry of the Taranaki settlers which has so much gratified us—and most gallantly they have behaved—would I believe be emulated by the colonists in every part of New Zealand, if unfortunately occasion should require it. Reference, Sir, has been made to the position of Government with respect to the press. As to the position I have been at times amused at hearing that in other places sometimes the *Southern Cross*, sometimes the *New Zealander*, was said to be the Government newspaper, when it is a notorious fact that no portion of the press of New Zealand has any connection with the general Government. The press of New Zealand is altogether a provincial press, connected with local interests; not acquainted with the opinions of the general Government, and rarely noticing its acts, except when these acts conflict, or appear to conflict, with the local interests represented by any particular newspaper. Before concluding I will observe that the amendment moved by the hon. member for the Bay of Islands would omit just that portion of the question which is of the most consequence; such an amendment on questions of little importance is proper enough, but on so very important a question as that now before the House it would have been the more manly course to meet the motion with a distinct "aye" or "no." The Government is not very anxious that the portion of the resolution which the amendment would leave should be passed, as it has been affirmed several times already; but it does desire to learn the opinion of the House as to the other portion of the resolution which affirms the justice of the war. Both the Government and the country have a right to know this (hear, hear).

Mr. Carlton moved, and *Mr. Renall* seconded, that the question be divided; and after some discussion on a point of order, the *Speaker* ruled that such a division could be made provided only immaterial words were inserted to make the two portions separate resolutions.

Mr. Stafford then formally moved his resolution; on which *Mr. Carlton* moved the amendment of which he had given notice.

Question put, "That the words proposed to be omitted do stand part of the question." A division was taken on this question, which resulted as follows:—

Ayes, 19.	Noes, 4.
Hon. Mr. Richmond	Mr. Renall
Mr. J. C. Richmond	Mr. Brandon
Hon. Mr. Weld	Mr. Brown
Lieut. Col. Haultain	Mr. Carlton (teller).
Mr. Curtis	
Dr. Monro	
Mr. King	
Mr. Clark	
Mr. Cookson	
Mr. Heale	
Mr. Dillon Bell	
Mr. Gillies	
Mr. Kelling	
Mr. Farmer	
Mr. Jollie	
Mr. Domett	
Mr. Moorhouse	
Hon. Mr. Stafford	
Mr. C. Ward (teller).	

Mr. Carlton then moved his amendment for the division of the resolution. The division resulted thus:—

Ayes, 2.	Noes, 16.
Mr. Renall	Mr. Gillies
Mr. Carlton (teller).	Mr. Clark.
	Hon. C. W. Richmond
	Mr. Heale
	Mr. J. C. Richmond
	Lieut. Col. Haultain
	Mr. Kelling
	Mr. Cookson
	Hon. Mr. Weld
	Mr. Farmer
	Mr. King
	Mr. Dillon Bell
	Dr. Monro
	Hon. Mr. Stafford
	Mr. Jollie
	Mr. Curtis (teller).

Original question then put and passed in the affirmative.

Immediately afterwards the House was counted out.

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*Extracted from the "*NEW ZEALANDER*" Newspaper, dated Auckland, August* 29, 1859.

THE MINISTER FOR NATIVE AFFAIRS AND THE TARANAKI WAR.

[The following remarks by Mr. RICHMOND, Minister for Native Affairs, were accidentally omitted from our report of the debate of the 16th instant, with respect to the causes and policy of this Native war.]

Sir,—After what has fallen from the member for the City of Wellington (Dr. Featherston) who has just sat down, I feel I ought not to remain longer silent. The hon. member referred to what he termed a "sinister influence" at the Governor's Council Board, and his manner left no room for doubt that his remark was pointed at myself. I cannot say that I am surprised at the imputation. Neither am I indignant. The motives of my accuser are obvious, and I think the country understands them as well as I do. We know the party of the hon. member, and its tactics. Those who are really informed of the nature of the relation between the Governor and his Excellency's Ministers in reference to the conduct of Native affairs, know that any attempt on the part of Ministers to bring pressure or use influence, for purposes incompatible with a due regard to the rights and interests of the Natives would have been certain to produce a result the opposite of what the hon. member pretends to suppose has been produced. It is a false and groundless imputation upon the Governor to hint that he would have yielded to such a pressure. But now, because throughout these affairs I have no doubt been placed in a very difficult and delicate position, exposing me to such attacks as you have just listened to, you will be glad to hear from me a few words as to the part I have taken; and though some of my statements must rest solely upon my own word, I know the House will believe me. In the first place I was quite unaware that Te Teira or any one else was going to offer land to the Governor in March 1859. I do not think that above two or three Europeans in Taranaki knew anything about it, and my very presence at the meeting was accidental. After the offer was made and accepted, I never corresponded with any New Plymouth settlers upon the subject. For I have made it a rule not to have any such correspondence upon matters of Native policy. The subject of the completion of the purchase of the block was never upon any occasion introduced to the Governor by myself, or by any of my colleagues. It was, on two occasions, brought by his Excellency before the Executive Council, and on the last of those occasions the orders were given for the survey of the block. Ministers, as you know, have stated, in published memoranda, that they never urged, or so much as suggested, the line of action taken by his Excellency, and these statements are confirmed by his Excellency. We have none of us at any time pressed upon his Excellency the acquisition of land in Taranaki. With this short explanation I leave the country to judge between me and the hon. member for the City of Wellington. Though it is evident this debate burns with an exhausted fire, yet the House will expect from me short account of the policy which has resulted in the present war. There are three principal lines of policy in relation to the aborigines. First, there is, or rather was, the old policy of Mr. Dandeson Coates and the Church Missionary Society—the policy of isolating the Natives in dread of the pernicious influences which follow in the train of civilization—in dread of the European settlers, who were described as "the enemy pouring in like a flood." The hon. member for Wanganui (Mr. Fox) has embalmed that phrase in his little book "The Six Colonies of New "Zealand." If I were disposed to do so, in a debate of this gravity, I could treat the House to quite a little anthology of smart sayings of the hon. member for Wanganui against this first plan. Then there is the temporising system, which used to be distinguished by the Wellington party as "the flour and sugar "system." I never clearly understood what, in the view of its advocates, was to be the end of this policy. They talk of the increase of the European population, but I do not see how that helps the matter. It only puts off the evil day. The system does not propose to raise the Maories, and certainly does not tend to do so, but rather to degrade them. And as to the increase of an unarmed and unwarlike European population, what cares the wolf how many the sheep be? The hope of the temporizers—a hope once expressed by the Superintendent of Wellington (Dr. Featherston)—is the speedy extinction of the Native race. [*Mr. Fox.*—I am sure my hon. friend (Dr. Featherston) never expressed such a hope.] I do not refer to the speech just delivered by the hon. member, but to one of the hon. member's messages, as Superintendent of Wellington, to the Provincial Council. [*Dr. Featherston.*—I never expressed such a hope. Well, I will call it the hon. member's expectation. The extinction of the Maori race, I say, is the sole reliance of the temporizers, and it is one on which I should refuse to found a system, since it is our bounden duty by all means to counteract the

decline of the Native people. Lastly, there is the system which we took up, which, in its mode of dealing with purely native districts, as little contemplates the employment of force as either of the other two. But we always saw and declared, that whatever might be the hope of success in the attempt to civilize the Natives in purely Native districts by exclusively moral influences, the state of some of the districts in which the two races were closely intermixed—Taranaki in particular—was not remediable by such means. The Native Acts of 1858 were, we saw, quite inapplicable to such a state of things. To attempt to apply them to such a state would be like recommending the diet and regimen of health as the cure of deep-seated disease. We always said that there was no escape from a position like that at Taranaki—no hope for either race—except by asserting British authority, and, if need were, upholding it by force. The experience we had in 1858, when the fighting took place at the Bell Block, and the Governor's proclamation against carrying arms within the settlement was issued, must have satisfied us of this, if it had ever been possible to doubt it. We were all convinced, not merely of the disgrace, but of the constant imminent danger of such a state of things as existed in the Province. You all know what that state was, and it has been so well described by my hon. friend the member for Wallace County (Mr. Bell) who has anticipated me in most of what I was going to say—that I need not enlarge upon this part of the subject. When, therefore, previously to his Excellency's visit to Taranaki in March 1859 he proposed in the Executive Council that he should make a distinct declaration to the Natives at New Plymouth, that he was prepared to enforce British law against both races within the limits of the settlement, his Excellency's Ministers concurred in the advisibility of that course. We saw that danger was inevitable, and that if we did not meet it in an honourable way it would come to us in a disgraceful one. The Governor, in his speech at New Plymouth, coupled with the declaration of his intention to enforce British law, a declaration of a principle respecting land purchases. He said, on the one hand, he would not accept the cession of land without the consent of all the owners, but that, on the other hand, he would not allow land sales to be interfered with by Natives who had no right to the land themselves. In other words, he declared he would withstand the dictation of the land league. His Excellency had already annouced this principle on occasion of an offer made by Wiremu Nera, in Auckland, of a tract of land in the Waipa district. This declaration as to the land was intimately connected with the previous declaration as to British law. For what is the real object of the Taranaki or any other land league? The Natives do not want to keep the land for itself; they want to keep out British law, and to retain their old customs. The struggle at Taranaki between land-selling and land-holding Natives is essentially a struggle between those who desire to come into our system and those who desire to resist and repel it. And here I stop a moment to observe, that it has been the calamity of the country that some of those persons amongst the Europeans to whom we might have looked as, of all others, the men who should forward efforts for the establishment of British law, have been ranged with its opponents, the land-leaguers. Truly, a sinister influence has been at work in the Waitara case, but that influence was not at the Council Board of the Governor. The enforcement of British law really involved a refusal to submit to the dictation of the land league. Those Natives who had long been awaiting the promise of protection to come forward with their offers of land, at once, seized the import of the Governor's declaration, and in the person of Te Teira claimed the fulfilment of the Governor's promise in their behalf. Well—when, after a lengthened investigation, nothing appeared to invalidate the title of the settlers—what was to be done? Could the Governor recede from the engagement he had made? His Excellency thought not, and we agreed with him. And I now declare, in view of all the calamities we are witnessing, that I should, under the like circumstances, give the same advice again. Whilst I say this, I admit that we did not expect, nor would it have been reasonable to expect, consequences such as have ensued from the Governor's firm determination to make good his word. We were unaware of the secret influence at work on Kingi (hear.) We also believed, and I still believe, that the force at command was, if properly handled, quite sufficient to overawe or, if need were, strike a decided blow at King which would have terminated the war (hear.) I wish to pass over this part of the subject lightly, but I would point out that the Colonial Government is not responsible for the military conduct of the war. I believe that Waikato would never have joined had we obtained an early success against King. However, I put aside all this—I also put aside the approval that the Secretary of State has given to the Governor's declaration of March 1859—for in many ways the members of this House can better judge of the subject than any statesman in England, however able. I put it all aside, and I ask you, Was not the Governor's declaration in March 1859 a right and proper step? But if the declaration was a right one to make, surely it was right to adhere to it. And if you tell me the declaration was just, but imprudent, (which is the worst you can say of it) I will go further back than the declaration, and will point out to you that the imprudence which has led us into all this difficulty and danger was an older one—the colonization of New Zealand was that great and glorious imprudence (hear.) Who can say it was not an imprudence? yet who can repent the foundation of these noble settlements? But some will say, It is well to declaim about your desire for law and order; but cease to talk sentiment, and fairly confess that what you really want is the land. Now, in plain terms, this is a calumny. Those who have been loud in donouncing the settlers of Taranaki as guilty of a breach of the tenth commandment have themselves lost sight of the ninth, and have borne false witness in this matter against the people of Taranaki (hear). I believe that what the people of Taranaki want principally—that the thing on which their hearts are justly and most naturally set—is the establishment within their settlements of British authority. The acquisition of the land is but a means to this end; and if the Maories could, and would settle down peaceably and cultivate their lands, I do not believe the people of Taranaki would ever wish to deprive them of an acre. Can the desire to be secured against the recurrence of scenes such as have disgraced humanity and the British rule—can such a desire, I say, be fitly stigmatized as covetous? Covetousness, indeed!—Will such a motive explain the courage and the endurance of the men of Taranaki? Will it account for their exemplary patience under the loss of everything they possess in the world (hear)? We all feel it is not possible. The position of the English colonist in Taranaki has been degrading. To the roughest of us ideas are something. Englishmen will fight, and will die for them. Man liveth not by bread alone. Sir, I believe that a curse would be upon us if we wanted the land. No; these men felt that they were doing their duty, and found a comfort in the thought. After long years of a prudent but scarcely honourable policy, the evil had at last come to a climax. The duty which the Government had long evaded was at last forced upon it. And I now call upon this House to do its duty—to speak the true sense of the country—and with one voice to affirm with me, not merely the justice, but the necessity, the true and courageous policy of this war (hear, hear).

NATIVE AFFAIRS.

Extracted from the "NEW ZEALANDER" Newspaper, dated Auckland, August 11, 1860.

Mr. Sewell, on the motion of the Colonial Treasurer to appoint a Select Committee to consider the subject of Native Land Purchases, to move the following Amendment:—

That whilst this House concurs heartily in his Excellency's declared intention to repress by arms the present Native Insurrection, till the complete re-establishment of the Queen's authority, it is necessary to devise measures for the better management of Native affairs, and that with the view the House do resolve itself into Committee to consider the following Resolutions.

1. That the present System of Management of Native Affairs is unsatisfactory.

2. That it is expedient by Act of the Assembly (to be reserved for the Queen's assent) to constitute a Board or Council to be a Council of Advice to the Governor in the Management of Native Affairs;—such Board or Council to be nominated by the Crown; but one Member thereof to be a responsible Minister; and any Member thereof to be removable upon address of both Houses of the Legislature.

3. That it is the imperative duty of the Legislature, with the Queen's assent, to provide, without delay, a system of Government for the Natives, in Native districts, applicable to their circumstances—such system to be subordinate to the authority of the Crown and the General Assembly,—as nearly as may be in harmony with the ordinary institutions of the Colony, and framed with a view to the fusion of both races under an uniform system of Government.

4. That an Act should be passed (to be reserved for the Queen's assent) to enable the Governor to summon in such manner and at such periods as he shall think fit, such persons of the Native Race as he may think fit, not exceeding in number, to constitute, under the guidance of properly qualified persons, a General Native Council;—such General Native Council to have a legislative character, and to have the power of originating measures relating to the Native race; such measures to be submitted to and perfected by Acts of the General Assembly.

5. That power be given to the Governor to constitute in such manner as he shall think fit such subordinate Councils and Assemblies of persons of the Native Race in Native Districts for the purpose of managing affairs affecting the Natives in such District;—such Councils to be invested—under the guidance of properly qualified persons—with such limited powers of Government, Legislative and Executive, in such Districts over persons of the Native Race, as may be defined by Acts of the Assembly.

6. That the present unsettled state of the Colony in great measure arises from the undefined nature of the territorial rights of the Natives, and that it is expedient without delay for the Government to take measures, in co-operation with the Natives themselves, for settling and defining, as far as possible, their territorial rights, *inter se*;—and that an adequate sum ought to be placed on the estimates for defraying the expenses connected therewith.

7. That the present mode of acquiring lands from the Natives for the purpose of colonization is unsatisfactory.

8. That this House recognizes in the fullest extent the territorial rights of the Natives, whether Chiefs or people, as guaranteed by the Treaty of Waitangi.

9. That the proper object of the Government in reference to Lands held by the Natives ought to be to reconcile the progress of colonization with such just rights of the Natives.

10. That all active operations for the purpose of acquiring Land on the part of the Land Purchase Department ought to be suspended.

11. That measures ought to be framed for the consideration of this House for effecting, with the assent of the Natives themselves, the following objects:—

(*a.*) The individualization of Native Title, and the issue of Crown Grants to Native Proprietors in districts over which British Law is in operation, or to which it may be extended; such Crown Grants to be to a limited but adequate extent, and under such conditions for the benefit of the Native Proprietors as may be defined by Act of the Assembly, so as practically to confer on them the rights of absolute ownership; and that provision should be made in such measures for regulating the devolution, descent, and transmission of lands so granted.

(*b.*) As to the surplus of their lands,—To provide a proper system, in concert with the Natives themselves, for the Sale and Management thereof, in such manner as shall best promote the objects of Colonization, consistently with the interests and advancement of the Native Race. The proceeds of all Land Fund thence accruing, after re-imbursement of all charges and expenses, and a proportionate contribution to any general charges of Government, to be administered by the Governor, in concert with the Natives themselves for the improvement of the districts wherein arising, and for the social advancement of the Native Race therein.

12. That the Governor should be authorized by Act of the Assembly to raise by Loan a Sum not exceeding £ , to be applied towards the furtherance of such last mentioned objects.

WEDNESDAY, AUGUST 8, 1860.

The *Speaker* took the Chair at 5 o'clock.

After some preliminary business had been disposed of,

Mr. Stafford gave notice that on Tuesday next he should move, that the thanks of the Hou se be presented to the Government of Victoria of New placed at the disposal of the Government Zealand the armed steamer "Victoria."

Mr. Daldy asked the Colonial Treasurer, from what fund the current expenses of the war were being met; and also, whether any pledge or guarantee had been given by Ministers to his Excellency the Governor that the cost of the war should either absolutely or conditionally be borne by the Colony. He (Mr. D.) had felt a deep anxiety to know, in the present critical state of the Colony, what was its financial state. He was not taking the Government unawares; they must be prepared, and he hoped they would at once give him a frank answer.

Mr. Stafford (in the absence of the Colonial Treasurer, who was prevented from attending by indisposition) replied, that the greater part of the expenses of the war had been paid out of the commissariat chest, including the pay and allowance of the Taranaki Militia and Volunteers, and the Wellington Militia. The Auckland Militia and Volunteers were receiving no pay, though they had done much military service. No pledge such as that mentioned by Mr. Daldy had been either given or asked. His Excellency went down to Taranaki before the war accompanied by the Colonial Treasurer; while there his Excellency wrote a short memorandum to Mr. Richmond, and also verbally informed him that he was unable to order the payment of the Militia or Volunteers whom it would be necessary to call out without receiving a guarantee that it should be reimbursed from the colonial chest; under these circumstances Mr. Richmond had no option but to acquiesce. He (Mr. S.) thought as to the question of the pay of the Militia and Volunteers in actual service, who were really doing duty as soldiers, it should be paid out of

the Imperial funds, and that both his Excellency and Mr. Richmond had forgotten an arrangement previously made by the Home Government, which provided that under certain circumstances such pay as appears to be necessary, should be issued out of the military chest, subject of course to a claim for future apportionment between the Imperial and Colonial Governments. Under this belief he had subsequently guaranteed temporarily the pay of the Wellington Militia, and had then written to that effect to the Commissariat officer there. [Letter read.] It was the duty of the Officer commanding the Forces to authorize, on the Governor's requisition, the Commissariat Officer to issue payment out of the Commissariat chest. Colonel Gold had been informed that we were not in a position to bear the expense of the war, and the authority had been issued. The question of these expenses was one for adjustment between the Imperial and the Colonial Governments, and there were some expenses which could not be required to be defrayed from the Imperial fund, viz., barrack accommodation and permanent works of defence. They were bound to provide barrack accommodation at the cost of the Colony for any troops which Her Majesty may station there; it had already been intimated that works of that character would not be constructed at the expense of the Imperial Government; this, of course, did not refer to works for the defence of camps or field works during war. The Ministry did not recognize a liability for any expenditure they had not previously agreed to. No claim for field works had been made, nor was he aware that any such was intended to be made. They had consented to the erection of three forts at New Plymouth (one of which, at least, would be hereafter used for civil purposes), also of stockades at Waitara, Otahuhu, and the Hutt—the latter being at the express request of the magistrates of Wellington. It being well known how the Ministry had fought these questions before, he thought the House might rest satisfied with the assumption that they had not changed their minds with respect to them. The Colonial Treasurer would, on an early occasion, state to the House how they proposed to meet those expenses arising out of the war, which the Colony could fairly be expected to provide.

Mr. Sewell and the Half-million Loan.

Mr. Sewell moved for the production of the Report of the Committee of the House of Commons on the "New Zealand Loan Bill, 1857," and of all letters transmitted through the Governor to the Secretary of State relative to the evidence given before such Committee, and of all despatches to and from the Secretary of State relative to the same.—The hon. member said this matter was rather personal to himself, and though he should have to occupy their time at some length, he was sure the House was always ready to consider matters touching the character of its members—and the more so when that member was acting, not merely as an individual member, but as a member of the Government. (Hear, hear.) The hon. member then recapitulated the circumstances under which the General Assembly had decided upon endeavouring to raise a loan of 500,000*l.*, for which it was necessary to obtain the Imperial guarantee:—reminded the House of his having gone home to England to effect this loan; and cited the charge which had been preferred against him by certain members of this House (to whom he had been opposed, as to the extent of the loan and the conditions on which it had been raised)—that he had misrepresented the decision to which the House had come as to the sum which would be accepted—the capacity in which he appeared, &c.—The hon. member said he referred to this subject in no angry feeling, but as a question of character; and he deeply regretted that such a course should have been taken by gentlemen with whom—though frequently opposed politically—he had lived on terms of private friendship—a friendship he feared now wholly severed. The hon. member illustrated his statement, which occupied more than two hours, by reading the letter of the Wellington members and all the other documents relating to the case. It is unnecessary for us, however, to report this statement, as first, Mr. Fitzherbert, then Mr. Fox, and then Dr. Featherston, one and all disclaimed having intended to impute to Mr. Sewell wilful misrepresentation, expressed their regret that their protest should have been so understood, and one and all admitted that the misunderstanding had probably arisen from their and the hon. member having regarded those financial resolutions from different points of view. Mr. Fox, in the course of his remarks, said that he would at once say, in behalf of himself and the other members who had written the letter in question, that if any expression in that letter could be construded to impute to Mr. Sewell a deliberate and wilful intention to deceive the House of Commons, they regretted that expression, and were quite prepared frankly and at once to withdraw it. This statement was received with loud cheers from all sides of the House.

Mr. D. Bell, Dr. Monro, Mr. Weld, and *Mr Heale* took part in the conversation, all acquitting Mr. Sewell of what had been imputed to him in the letter in question, and in a certain Auckland paper.

The discussion was brought to a close by the unanimous adoption of the following resolution, moved by *Mr. Dillon Bell,* seconded by *Dr. Featherston:*—

"That this House having heard the explanations afforded by the hon. member for Christchurch (Mr. Sewell), and the hon. member for Wanganui (Mr. Fox), on the subject of the evidence given by Mr. Sewell before a Committee of the House of Commons in 1857, on the subject of the New Zealand Loan of 500,000*l.* desires to express its opinion that the hon. member Mr. Sewell stands wholly cleared from any imputation on his character, in relation to that evidence; and its gratification at the manner in which certain expressions contained in a letter from the hon. member for Wanganui and other hon. members of this House to the Secretary of State calculated to convey such an imputation, have been withdrawn.

Mr. Sewell expressed the very great gratification that had been afforded him by the very frank manner in which Dr. Featherstone and the other Wellington members had so frankly retracted an imputation, which he would not deny had caused him great pain. It of course still remained a question of difference of opinion as to the strict rendering of those financial resolutions; his friends (as he hoped he might again call them) thought he was mistaken—he thought they were mistaken—and of course each was entitled to his own opinion (hear, hear). He (Mr. S.) would now supply an omission into which he had inadvertently fallen—that of forgetting to thank the House for its very handsome vote of thanks to him for his services, passed in a former session. He now begged to return his sincere acknowledgements for that vote.

The matter than dropped.

[On Friday, on the House going into Committee of Supply on the vote for a second Native Conference, *Sir Charles Clifford* said he availed himself of the very first opportunity he could to express his cordial concurrence in all that had fallen from his colleagues in disavowal of having imputed wilful misrepresentation to Mr. Sewell, and his warm approval of the resolution which was so unanimously adopted by the House on Wednesday (hear). With respect to his signature to the letter in question, as "Speaker of the "House of Representatives,"—his own impression was (and it was confirmed by a gentleman who was present when he signed the document) that he signed "Charles "Clifford, M. H. R., Wellington." The mistake was probably made by the printer or the copyist (hear.)—*Mr. Sewell* said if anything could add to the gratification with which he had heard the explanation of his hon. Wellington friends, it would be the very frank and handsome manner in which the Hon. Speaker had expressed his entire concurrence in the course taken by his colleagues (hear, hear).

Dr. Monro moved the motion standing in his name. Motion seconded and agreed to.

Mr. Forsaith moved that the copies of the letters

from Wi Kingi, addressed to the Ven. Archdeacon Hadfield (copies of which were authorized by the owner to be furnished for the use of members) be printed and laid, together with translations, on the table,—In moving for these documents, the hon. member said :—There were several reasons which induced him to ask the House to assent to this motion. The letters referred to had been made the basis of the most contradictory statements. Hon. members occupying the ministerial bench had described these documents in a very perplexing manner. At one time, when it was their object to weaken or destroy any impression the letters might have made upon the House, they were spoken of in terms of contempt. They were altogether unimportant. They did not throw any new light upon the question. They did not strengthen the case of W. King. At another time, when a different object was in view, they were declared to be most important documents, and a very dreadful picture was drawn of the responsibility incurred by the person who having such letters in his possession did not make their contents known to the Government. How far it was possible to reconcile these extraordinary arguments with the principles of sound logic he would not stay to inquire (laughter). But conflicting statements furnished one reason for asking the House to agree to the motion. There were other reasons moreover which he would mention. In one of the local journals issued that day he noticed a statement which was calculated to convey a very wrong impression. He knew that newspaper articles were not correctly impressed with the weight of official authority, and he could readily believe that the passage to which he referred honestly expressed the views of the writer, whoever he might be, and further he was ready to admit that it was written without evil intent, but simply under the disadvantages necessarily attendant upon imperfect knowledge of the subject. The passage he referred to, and which with permission of the House he would read, was the following :—

" They are not even now communicated to the Governor, but they are placed in the hands of a political party, and—the Archdeacon being himself present in the House to witness the effects of their disclosure—are first brought to light in detached fragments, during a debate in the House of Representatives, the result of which might be the fall of a Ministry and the triumph of a party."

—He felt bound, in justice to the Rev. gentleman here referred to, and who could not defend himself on the floor of the House, to affirm that the allegations contained in this passage had no foundation in truth. The letters were not placed in his (Mr. Forsaith's) hands for any party purposes. He sought an interview with Mr. Hadfield for the purpose of obtaining information on certain points, principally matters of date, on which he wished to be correct, and it was only casually in the course of conversation that he was made aware of the existence of those letters. They were given to him with a general permission to make any use he pleased of the information they might contain, nothing was said about reading them in the House. He (Mr. Forsaith), in virtue of the unrestricted permission to use the information the letters contained, had decided, on his own responsibility, to read extracts in the House, in support of the line of argument he intended to take, and he considered that he was justified in doing so. But it was ungenerous and untrue to say that these letters had been given to him by Mr. Hadfield for the express purpose of being brought forward in the House to answer the purposes of a party. He felt bound in honour and justice to give emphatic denial to such an allegation. Again, in the same paper, translations of those letters were made public, whether authorized translations or not he could not say, nor was he prepared, not having the originals before him, to say whether they were reliable translations, but, speaking only from memory of the originals, he thought there were passages in those translations which were open to question. He therefore thought it highly desirable that printed copies of the originals and authenticated translations should be laid upon the table of the House, so that if the matter should be referred to again, hon. members might be in a position to form a correct opinion. He had not secured a seconder, but he trusted that some member would feel at liberty to support the motion.

Mr. Carleton seconded the motion, which was agreed to.

After some conversation the adjourned debate on Mr. Carleton's motion was further adjourned to Thursday ; Mr. Stafford intimating the desire of the Government that both Archdeacon Hadfield and Mr. D. McLean should be requested to attend and give evidence before the House on the question now before it.

Mr. Forsaith was not sure that he was strictly in order, having already spoken on the original motion —and the amendment intimated by the hon. member Mr. Fitzgerald, on which of course he (Mr. F.) would have a right to speak not being before in the House ; but with permission, he wished to say a word or two on the proposition made by the hon. member at the head of the Government (hear, hear). That proposition in his (Mr. F's.) opinion could lead to no beneficial result. Enough had been elicited in the course of previous debates to convince every hon. member in the House that the opinions of Mr. Archdeacon Hadfield and Mr. Commissioner McLean were, on this question, directly antagonistic. The proposition then virtually amounted to this. A Select Committee of the House was to be appointed, to form as it were a ring, within which these two champions were to engage in mortal combat, and the Committee were carefully to note the progress of the fight, and report the issue of the battle (laughter). No practical benefit could result from such a proposition (hear, hear).

The House then adjourned.

Extracted from the "NEW ZEALANDER" Newspaper, dated Auckland, August 15, 1860.

NATIVE CONFERENCES.—COMMITTEE OF SUPPLY.

Mr. Richmond (Colonial Treasurer) moved that on Tuesday next the House do resolve into Committee of Supply, to consider the supply which should be granted for the purpose of holding a second Native Conference, to be held in 1861.

Mr. Sewell could have wished that in his Excellency's speech some distinct reference had been made to the circumstances which had called them together. He admitted the difficulty of the position of Ministers: perhaps had he been in their councils, he should have concurred with them in the steps they had taken (hear, hear) ; but now, as one of the guardians of the public purse, he had to observe that this—though perhaps justified by present exigencies, was a somewhat dangerous precedent ("hear!" from the Treasury bench). He knew it might be retorted upon him that he had been in some measure a party to the measures of the Government; and he was not disposed to shirk his fair share of responsibility ; but the time had now arrived when the House should place on record its right to control the public expenditure ("hear, hear," from the Treasury bench).

Mr. D. Bell gave a sketch of the proceedings of the Kohimarama Conference, and showed how much direct as well as indirect good had already been effected by it.

Motion put and passed.

COMMITTEE OF SUPPLY.

Mr. Richmond directed the attention of the House to that part of the speech in which the estimates were mentioned, and moved for a suspension of standing orders, in order that the House might go into Com-

mittee to grant a supply for a second meeting of Native Chiefs to be held in the year 1861.

Motion agreed to.

The House then resolved itself into Committee of supply, and the Speaker having retired, the Chairman of Committees took the chair.

Mr. Richmond said it had not been at all determined whether such a conference should become part of the permanent institutions of the country; but it appeared essential that there should at least be a second conference. The expense of the next would not be so much as that of the present one, which had already cost 1,879*l.*, and it was expected would cost 1,050*l.* more. He only proposed 2,500*l.* for the next occasion. One great difficulty was that the Chiefs would not come alone, they would bring a "tail" with them. These tails must in future be cut off (hear, hear). It could not be expected to get the Natives to our views at once. The next time they would be able to assemble a more thoroughly representative body. He would now propose that 2,500*l.* should be granted for a second meeting of Native Chiefs to be held in the year 1861.

Mr. Sewell said the question was a very important one, and one which must be thoroughly discussed when it came before the House in proper shape. So far as the proposition went it met his entire assent. He looked on this Conference, and the proposal for a second one, as merely the beginning, the embryo of what might become a very important permanent institution. (Hear.)

The question being put,

Mr. Daldy said he was not going to oppose the motion, but he had expected further information on the subject from Government as to what was expected to be accomplished by these meetings. He trusted that when such meetings again took place persons acquainted with both languages, though not connected with Government, would be invited to take part as well as Government representatives.

Mr. Richmond made some reply, we understood in the affirmative.

The motion was then agreed to.

MR. SEWELL'S RESOLUTIONS ON THE NATIVE QUESTION.

Mr. Sewell.—Sir, I regret on a motion of this nature to see so thin an attendance of members. I thought that on the occasion of a discussion involving the one important question of the session, which, under present circumstances, must absorb our almost exclusive attention, every one would have been in his place. But I will proceed to the execution of the task I have imposed on myself. I desire in the first place to express to my hon. friends on the Ministerial seats my sincere acknowledgments for the manner in which they have allowed me to introduce this subject to the House, I regret that the duty of doing so should have fallen upon me. It would rather have belonged to themselves. I accept this concession on their part as an indication of their readiness to enter on this question in a spirit of free consultation with the House—all parties uniting in a common effort to extricate the country from its difficulties. I also venture to assume that whatsoever measures may be resolved on, as the result of our deliberations, they will not refuse to effectuate, unless they should contain matter to which they may see fundamental objection. This is no time for party struggles. It is not a convenient time for displacing a Government. The Colony is in great peril. It is the duty of all men to unite, if possible, in saving it, and each ought to contribute his quota of experience and judgment. I cannot conceive any more difficult problem presented to a legislative body—none certainly presented to a body like this, itself in its infancy. For my own part I confess my personal unfitness for the task. My experience of Native affairs has been gathered during my connexion with the Government and my residence in the Northern Island. There are others around me of longer experience and higher qualifications. But I have looked in vain for an indication of a movement on their part. Ministers have confessed, I will not say their inability, but their unwillingness to look at the question in its general aspect, I have, therefore, ventured on it myself. My hon. friend the Colonial Treasurer has imputed to me the desire of making a speech—(Dissent from the Colonial Treasurer.)—Well, I may have misapprehended him; at any rate he charged me with indulging in a flight of poetical fancy. I do not think that I am open to such criticism. This is not a time for trifling. I should be ashamed of occupying the attention of the House and Country during the probably many days about to be consumed in the consideration of these Resolutions, were I not impressed with the importance and reality of the work. I disclaim having any pet theory on the subject, but I see the Colony in a state of difficulty. I see great dangers impending. I have anxiously considered the means of averting them, and this is this specific form which my thoughts have taken. I present them to the House, however, not as the development of a theory which I seek to realize for the sake of indulging a fancy, but as embodying the proper subjects for the consideration of this House, and I shall acquiesce in that decision whatever that decision may be—even though we should end in being contented with the Government proposals, if nothing better can be devised. I think the present the most convenient form for our discussion. I am glad that the Government have acceded to that view. I am aware of the time it will occupy; but I am sure it will not be unprofitably spent. I propose first, to discuss the question as a whole—with the bearings and relations of each part to the other. Then if we go into Committee—(and I understand that the Government will not oppose me.——(The Colonial Treasurer here intimated that the Government had not expressed their assent). Well, at any rate should I succeed in carrying the House with me in this motion, I shall then propose each subject by itself *seriatim*. That will, I think, be the most convenient course. We adopted the same course in reference to the financial arrangements of 1856. It is the most convenient form for considering a complex question of this nature. Then, in Committee, we may consider his Excellency's message, in such order, whether precedent to my resolutions or not, as the Government may think best. The Government themselves will have the opportunity of submitting their own proposals, and it will be observed that I have so framed the resolutions; first affirming general principles, and then proposing specific measures, that members will have a convenient opportunity of expressing and giving effect to their own particular views. We have now before us a dim outline of the Government policy. I will call it a tentative—an experimental policy. It appears to me shadowy and undefined. (The *Colonial Treasurer.*—Undefined as to form; but not as to spirit and principle.) That I may not misrepresent the views of the Government I will state what I conceive them to be, as I gathered them from my hon. friend the other night. I understood him to say; that they adhere in general to their measures of 1858, and propose no legislative action on those measures this session. [*Colonial Treasurer.*—No legislation; but we may proceed by resolutions. The hon. member is fond of resolutions.] I am fond of resolutions only when they lead to something. Abstract resolutions are unprofitable things; but I must say that we ought by this time to have known what these resolutions were to be. However, I can only deal with the intentions of the Government so far as they appear. I understood, then, that they proposed merely to take Executive action on the measures of last session. They propose under the Native District Regulations Act, to divide the Colony into districts. A Native Chief is to be appointed to be as an organ of communication with the Government. [The *Colonial Secretary.*—The hon. member has no right to assume what the policy of the Government is to be. The Colonial Treasurer warned the House that he would not hold himself bound by anything which

the hon. member might say in attributing a particular policy to the Government.] It seems then, that we are still in doubt as to the intentions of the Government. It is impossible to ascertain what they really mean. I will, however, proceed with my assumption. They propose to repeat next year the Conference of Native Chiefs, now being held at Kohimarama. As to the Land question, they propose to wait till the Governor has received from England an answer to his despatch of last year. I hear nothing of any proposal for settling the disputed territorial rights of the Natives *inter se*, except that the Government will wait for answers from the Chiefs after they have communicated with their tribes, to certain propositions which we have not before us. I understand also that they do not intend to alter the present Land Purchase System, nor to change the constitution of that department of the Executive Government which has the management of Native affairs. Sir, I regret to say that in my humble judgment that policy is wholly inadequate to the emergency. They tell us that a minimum of legislation is desirable. I do not agree in that proposition. I know nothing of a minimum or maximum in such a case. The country requires all the legislation which is demanded by the circumstances—neither more nor less. To legislate too much may sometimes be a fault, but to legislate too little would, in the present case, lead to infinitely greater evils. That is, the one which we attribute to Sir George Grey's policy. Are we prepared to follow in his steps? It is because so little was done by him that we are now in our present difficulties. (Turning to Ministers.) You will, however, say that you have done more than he did. You will point to your measures of 1858 as a proof of advance upon Sir George Grey's policy. I tell you that your policy has failed. I will presently show from what causes. It failed and must continue to fail—because it contains in itself inherent causes of failure. In 1858 the Government thought it necessary to legislate on the land question. They brought in the Native Territorial Rights Bill. I do not speak of that measure as approving of it, but as showing that the necessity for legislation was then recognized. That Bill was disallowed by the Crown. Are we now in circumstances of less difficulty than we were in 1858? and can we bear now to postpone legislation on a subject which then urgently demanded it? But the Government say they will wait—wait for an answer from Downing Street to a despatch of last year—wait till the Greek Kalends. The longer the answer is delayed the less likely is it to come, and when it does come the chances are that it will contain impracticable suggestions. I say, Sir, that the time is come for us to legislate without regard to the possible chance of an answer from Downing Street; and indeed we know enough of the mind of the Home Government to legislate safely. I speak with confidence when I say that in the measures which I am about to propose there is nothing likely to rouse opposition on the part of the Home Government. I shall, however, no doubt be told that there is danger in propounding crude schemes. That is an objection of the usual stereotyped kind. Our measures need not be crude—not more so than those of 1858—not more than all new measures must be. We have also the advantage of those measures themselves as a beacon to warn us against repeating the faults which have rendered them inoperative. It is idle to talk of risk from this source. Our measures need not prescribe to the Executive Government too rigid exactness of rule. We may invest them with power and leave them large discretion as to putting them in execution. We may contrive the machine, and leave it to the Government to put it in motion. The measures of 1858 were themselves of that character. But it may be said let us wait for Legislation from Downing Street—confess our inability to grapple with the subject, and devolve the task on the Imperial Government. I say that the affair is our concern and not theirs, except as an assenting party. I see a proposition asserted in one of the papers presented to this House from a gentleman of eminence in the Colony, to the effect that the care of the Natives and their government is matter of "Imperial, not Colonial "concern. Sir, I abhor, detest, and abjure that dam- "nable doctrine and position." The duty and responsibility is ours, and I deny that we are unequal to the task. I look round me and see in this assembly men of more than average capacity, and with all our advantages of local knowledge and experience I am sure we are more fit for such a task than a clerk in Downing Street. And in what position shall we place ourselves by such an abnegation of our duties? Let us go to the Home Government, pray them to give us money and troops to extricate us from our difficulties, and confess at the same time our inability or unwillingness to devise a remedy for the causes which have involved us in them. That would indeed be a confession of incapacity on our part, almost disqualifying us from the exercise of our functions as a Legislature. I should in that case be inclined to concur with my hon. friend the Colonial Treasurer in the doubt which I regretted to hear him yesterday express, whether the Colony was fitted for Parliamentary government. But indeed, Sir, the state of the Colony demands immediate and decisive measures. Need I ask you to direct your minds to the war at Taranaki, that miserable war. I am not going to dwell upon its details. We have been discussing them for the last week. I deeply sympathize with the unfortunate colonists of that settlement, with my hon. friend the Colonial Treasurer in particular, in this distress which has overtaken him and his. It is our duty as far as lies in our power to aid in extinguishing that flame, but that is not the only matter which demands our attention. One British settlement has been, we may say, almost blotted out of the map of the Colony, and no one can venture to assure us that a like danger may not be hanging over the rest. The war at Taranaki involves at present only a portion of the Native population, but it is gradually drawing other Native tribes into its vortex. Let us endeavour, if we can, to arrest the contagion. I ask you to direct your minds to another significant fact in the present state of the Colony intimately connected with this war. I mean what is called the King movement; I desire that we should look at this movement in its true aspects, for it has several. I do not deny that in one point of view it is to be regarded as a movement of direct hostility to the European race and British supremacy. There is undoubtedly a section of the Natives influenced by such a sentiment, but I believe that section to be as yet small, and comparatively unimportant. But amongst the mass of those who take part in the King movement I recognize the effort of a people seeking for government and law. It is the fermentation of the Native race into a state of organization. Viewed in that light I cannot regard it as an unhealthy indication. It is an effort of nature by which a people is struggling to effect for itself what we have failed or neglected to do for them. Consider also another point. Observe all through the country at this moment the activity of these Runangas or Native council. I believe this kind of institution is suitable to the genius and habits of the people. But it is undoubtedly developing in a more distinct and active form than ever before. I think, Sir, these movements amongst the Native race may be attributed to causes operating in a special way at the present moment. When I presented myself to my constituents at Auckland, before these troubles commenced, I pointed out to them the peculiar difficulties of the Colony at the present moment. They are such as have never existed at an antecedent period, and will not again occur. We stand at that point in our history when the two races have about reached an equality. The European population of both islands numbers about 70,000; the Native population, it is supposed, something less. Heretofore the Colonists have been so decidedly the weaker of the two, that only one policy has been open to us—a tem-

porizing one. But the proportions of the two races are being rapidly reversed. Do you suppose that the Natives are not keenly alive to that fact? The perception of their declining position rouses their sentiment of nationality. They are making an effort, if possible, to preserve themselves from the degradation and final extinction of their race. They have made themselves acquainted with history as regards our dealings with other aboriginal races, and they are apprehensive of a like fate for themselves. This is the true secret of their land league; and they understand that axiom of government that territory is an inseparable condition of jurisdiction. They cannot preserve themselves, as they think, without an independent nationality; they cannot maintain that independence without an exclusive control over their own territory; and therefore they draw the line, and say to the European settler, "You shall go so far and "no farther." I beg the House to mark this connexion between the questions of Government and land, because it shows how impossible it will be to deal with this subject in a piecemeal way. I desire to point out that the true road towards breaking down this boundary line of territory is to show the Natives that it is their interest to unite themselves with us under our own Institutions. Unless some remedy be applied our danger is accelerated by other causes. The progress of civilization amongst the Natives themselves is one. We have taught them a variety of lessons—amongst others, improvements in the arts of war. There is also no doubt that a considerable effect has been produced on them by the planting of our own free institutions close alongside them. They are keen observers, and their imitative faculties have been roused. They cannot practically share in our institutions, and they desire to produce for themselves a likeness to our own system of self government. Sir, when I am told by the Government that this is a time for minimizing our legislation, I dissent from that proposition. I perceive urgent reason for grappling with the difficulty at once in all its bearings. Some persons may say that even now the time is past, and that nothing remains for us but an appeal to force, and to establish our superiority by arms. I do not admit the truth of that position. It is indeed the eleventh hour—but the eleventh hour is not yet passed. It is indeed passing. This very session of the Assembly is, I believe, the latest moment of time yet open. If we allow this session to pass without arresting the danger, I see a day of disaster before us. We shall have to sit down in despair, exclaiming in the words of the poet, "Too late, too late." But if, Sir, on the other hand we apply ourselves now thoroughly to the task of remedying these evils at their root, by measures calculated to show the Native race that their interests are identified with our own, I cannot but anticipate the happiest consequences. I believe that in itself would go far to arrest the war at Taranaki, and that instead of the rallying round the Flag of the King Movement, which is now on the advance, the Natives will gather themselves under institutions, their own as well as ours, themselves assisting in a work of common benefit, the colonization of the country. This appears to me the duty and responsibility of the Legislature, and I for one will discharge my conscience. Sir, I turn to the motion before me. I ask the House to go with me in affirming first its concurrence with his Excellency's declared intention "to repress by arms the "present Native insurrection." I shall not dwell on that topic, it has occupied us for many days past. We shall all of us, I am sure, agree that nothing ought, if possible, to be done to weaken the prestige of British authority. That is an almost essential condition for the salutary operation of every other remedial measure. Then, sir, I ask them to agree to the further proposition, which I think needs no argument to enforce it beyond what I have shown;—that it is necessary to "devise measures for the better manage- "ment of Native Affairs." And now I come to the consideration of the particular heads or branches of the question, which I propose to submit to the Committee, if my motion in debate shall be agreed to—but which I feel myself, of course, bound to comment upon in presenting the subject to the whole House. Sir, I scarcely know with which head to commence. They are all so closely interwoven with each other. There is such a mutual interdependency of these questions, one on another, that I feel a difficulty of choice—any one might be a text for preaching about the whole; and this shows the necessity of our embracing all in one general view, and discussing them in one debate. I cannot look at the Land question—how to carry on the work of colonization, without looking to the barrier which at present stands in its way—the difficulty offered by the Natives connected with their want of civil government. In like manner I cannot touch either the Land Question or the Government of the Natives, without seeing the difficulties arising from the disputes as to their Territorial Rights now prevailing amongst them, and then, Sir, I cannot address myself to the consideration of measures calculated to remedy the evils existing in these matters, without looking to the machinery by which our remedial measures are to be worked—the Department of the Executive Government which has the management of Native Affairs. No one, I am sure, except the three hon. gentlemen who sit on those seats (turning to the Ministerial seats) will hesitate in agreeing with me, that a fundamental change is necessary in the organization of this department. Sir, I propose to depart from the order in which these resolutions stand on the paper. I will ask you to direct your attention, first to the subject proposed under the head of my third resolution, the Civil Government of the Natives. That appears to me to come first in order, as one of primary duty. We are under heavy responsibilities to the Natives on this score, for let us confess with shame that this work has been too long neglected. The responsibility for that neglect rests on the heads of Governments which have gone before us; but we must not cast blame on them without taking our own share on ourselves. For years and years past the Natives have cried out to us to give them government and law. Let me ask your permission to read to you a letter from a Native chief to Sir George Grey, as far back as 1848. You will find it in the Parliamentary Papers of that year. I remember calling the attention of my hon. friend, the member for Wanganui (Mr. Fox), to it several years ago, and he introduced it into his work, "The "Six Colonies of New Zealand," as illustrating Sir George Grey's long neglect of this question. It is as follows:—

"FRIEND, THE GOVERNOR,

"This is my speech to you. Hearken to my word, O friend. Do not slight my thoughts, because this is the thought of many of the chiefs of New Zealand. This is the thing that causes confusion at all their villages, namely, what I am about to state to you. Formerly, O father, the Governor, when we adhered to our native customs, we had light on this subject; but now this land is mixed up with the customs of Europeans, new thoughts or habits have been imbibed, and darkness has ensued in consequence. I wish to make known my thoughts to you in this matter, that you may hear them, and give some (or throw some) light on my sentiments.

"The slaves of my village will not obey me; when I ask them to work, they will not regard me; the result of this conduct is theft and adultery. I cannot determine in these matters. In your estimation, perhaps, these are trifles; but to me they are great things (or matters of importance), because they affect the welfare of the chiefs. Formerly, brave (dexterous in battle) people were considered in the light of chiefs, but now they are considered as nothing. You Europeans have effected this change. It is for you, the prop of this people, to lay down certain laws to meet these cases. I learn from Europeans that servants who rebel or disobey their masters are taken before

the magistrates and judged. Wherefore are the natives without some law to meet this? Formerly our word had some weight (or our authority or influence was considerable) but now it is lost. The slaves now look upon themselves as equals with their fathers, the chiefs, which has caused us to be very angry. O sire, the Governor, what is it that will cause good feeling to continue between Europeans and natives? Nothing but a law regarding disputes of Europeans and natives, lest evil should grow in our hearts. Is it right for a servant to be indolent, and disobey his master? God made man to rule over all things in the earth; God to be above, and man below him, and children below their parents, and the servants of men are to be equal with the children. If our slaves had been recently taken captive, no law would be required; but they were taken captive a long time ago, long before you Europeans came hither. Our slaves were taken in battle; we kept them as a payment for our relatives who fell in battle, therefore they became slaves. The Ngapuhi, were (or acted) like ourselves in these matters. These wars have destroyed the great men of New Zealand. Formerly, if slaves were disobedient, they would be killed. If a slave disobeys now we cannot kill him, lest the laws of the Europeans should be infringed upon. It is my wish to protect my slaves, and to respect them, and I wish them to respect me in return. Formerly we were ignorant, but we now make our rules of guidance to accord with the word of God. God has recorded his laws as regards this—'Servants 'submit yourselves to your masters; masters be kind 'to your servants that they may become your chil-'dren." If my slaves do evil, or commit sin, their sin will affect myself. When my people do well my heart rejoices. I am desirous that myself and people should behave with propriety, and do what is good, that myself and people may be an example to the evil ones. I am thinking of letting my people go (or when I give my people permission to visit Auckland, or when they go to make purchases) they go to do evil, and God will look to me as regards the transgressions of my people. On this account, I am not desirous to suffer my people to do wrong; they are talents given me by God that I may instruct them, and urge them to give themselves to God. O father, hereafter will be seen the evil results of these matters amongst the natives; on this account, I feel desirous to write to you now on this subject, because you are a converted person, (or believer), and who can tell whether you will ever reside (or reside always) on this island? If you should go, perhaps another person of a strange heart, will come hither to be a Governor, before whom no (native) thought will be entertained. Evil is like the weed that springs up in the midst of our cultivations; if it be speedily taken up by the root, it may be conquered, but if permitted to grow during the year, it cannot be overcome.

"I heard of the war of the Ngapuhi; the evil disposed from the various tribes flew to Hone Heke: perhaps the people here may act in that way. Should any evil arise here, although the chiefs may be well disposed, their words will be disregarded by the inferior people, and men will consequently be led into evil. Rather, O father, do you reflect upon my words, and make a law for the native chiefs, that their slaves may be induced to obey them, and do you strengthen then our hands, so that the many slaves of this land may be kept in awe, and the chiefs be enabled to love and protect you. Be not angry at the length of my speech, but consent to my proposals, and let me have a letter shortly so that my heart may be light.

"From your loving friend,

"TAMATI NGAPORA."

Sir, I think that this is a very affecting letter. I have no doubt it is perfectly genuine. It comes from an important and highly intelligent chief of the Waikatos, still I believe living. [*Mr. Forsaith.*—And one of the leaders of the King movement.] It expresses in a forcible manner, the yearning of the native mind for a state of law and social organization. Similar appeals may be found scattered through the whole of the Blue Books. How miserably has the appeal been answered. The natives have asked for bread, and we have given them a stone. They have asked for a fish, and we have given them a serpent. Sir, the performance of this duty can no longer be delayed with safety to ourselves. But some will say—"This is no "concern of ours, it belongs to the Imperial Govern-"ment." Here, I think, I am bound to notice certain plans for the civil government of the natives, which are amongst the papers laid before the House relating to Native Affairs under the influential names of the Bishop of New Zealand, Mr. Swainson, and Judge Martin. Of that which is propounded under Mr. Swainson's name, I have already spoken. I have expressed, and must repeat my indignation at the proposition with which that paper commences,—that this matter is one of Imperial and not of Colonial concern,—that we are not fit to meddle with it,—that the Clerks in Downing Street are the proper authorities to consult. I do not think we need trouble ourselves with the consideration of a scheme founded on such a postulate. As to Judge Martin's, it would be impossible to treat anything coming from him otherwise than with respect, but I must regret that one, possessing so much capacity and experience, and so well qualified to deal with the subject, had not thrown his valuable opinions into a more precise and practical shape. As regards the Bishop of New Zealand, regarding him as I must sincerely do with sentiments of the highest admiration and reverence, I hesitate to express even in a faint degree, anything approaching to dissent from what bears the stamp of his authority. But I think I perceive working in his mind what I conceive to be a visionary and impracticable idea,—the establishment in these islands of a separate Maori State, shut out from the European colonists by distinct lines of demarcation, complete in itself, and of which the whole territory shall be distributed amongst Native Lords, with probably a few Europeans thinly and irregularly dispersed amongst them, in a state of quasi dependance, as tenants to landlords. Sir, if I rightly comprehend this idea, I cannot but regard it as fundamentally unsound and impracticable. It would be impossible, I am sure, to work it with success. Apart from all other considerations the tide of colonization would sweep away the barriers, and the result would be a collision of the races. Dismissing, then, these proposals, I turn to the policy of the present Government as indicated by my hon. friend the Native Minister. He tells us that the Government adhere to their policy as contained in their measures of 1858. That I think was his general proposition. It becomes therefore matter of serious consideration to examine those measures and the principles involved in them. I say then (turning to the Ministers)—I repeat what I have said that your policy has failed, failed and must continue to fail from an inherent cause—the absence of the principle of self government. You have propounded admirable doctrines, but your practical measures have altogether fallen short of your own doctrines. You omitted the only ingredient which could make them succeed. I admit fully the truth and ability of the views propounded by my hon. friend the Native Minister, as shown by the papers presented to this House. They express—though in a better form than I could give them—my own ideas. Let me read them. I refer first to the memorandum on Native Affairs of 6th May 1857, printed in E.—5 p. 9 in the Papers of 1858. He says:—

"It is a new and remarkable feature of the present time, that the wish for better government has originated with the Natives; they are tiring of anarchy. No such opportunity for an advance as now seems to be opened has been presented to any former administration.

"12. There is great reason to believe that the Maoris are fully capable of institutions of the character above described; of institutions, that is, containing the germ of British freedom. They are, to an extent surprising in an uncivilized people, habitually influenced by reason rather than by passion; are

naturally venerators of law, and uneasy when contravening recognized obligations; are without the spirit of caste, there being no sharp line of demarcation between chiefs and people; and have at all times been used to the free discussion of their affairs in public assemblies of the Tribes. To these essential qualities are joined an enterprising spirit, a strong passion for gain, and a growing taste for European comforts and luxuries. Such a people, impossible to govern by any external force, promises to become readily amenable to laws enacted with their own consent.

"13. The foregoing considerations induce us to recommend it as expedient that measures should be taken as early as possible for giving the support of the Crown and the sanction of law to the efforts now making by the Maori people towards the establishment of law and order amongst themselves. In dealing with a question so difficult and delicate, we are, however, fully sensible of the necessity of proceeding with the utmost caution, and desire to see the measures of Government, moulded, as far as possible, by actual progressive experience of the wishes and wants of the Native people; and it fortunately happens that their habit of public discussion will greatly facilitate such a policy."

—Sir. I adopt heartily these opinions of my hon. friend. Then here is a passage from another paper printed at E—1 p. 4 of the papers of this session. Memorandum on Native Affairs dated 26th September 1858. It is as follows:—

"3. The policy of the British Government, in relation to the aborigines of these islands, might, on the first settlement of the country, have assumed either of two shapes. It might have addressed itself to the maintenance of the Natives as a separate race under distinct institutions and a Government wholly or in great measure independent of the ordinary Colonial Government; or, on the other hand, it might have been directed to promote the eventual absorption of the Maoris into the European population.

"4. Under the former policy it might naturally have been sought rather to maintain than to obliterate such Native customs as were not repugnant to humanity; and it would have been essential to set up, and rigidly to guard, a territorial division between the races. The neglect of this latter precaution has for ever rendered such a policy impossible in New Zealand. All the principal maritime ports of the Colony are in the hands of the settlers, who, year by year, extending themselves towards the interior from twenty different centres, come in contact with the Natives at fresh points; so that there no longer remains any other alternative than the extinction of the Maori race, or its union, under one Government, with the European settlers. However difficult, therefore, the latter enterprise, the mode in which the country has been colonized leaves no choice but to attempt it.

"5. There are some who, considering what a chasm intervenes between civilization and barbarism, and how impassable the boundaries of race have generally proved, are of opinion that the fusion of the two peoples is a moral and natural impossibility. These persons refer to the statistics of population, which, according to the most accurate estimates hitherto made, show a decrease in the numbers of the Natives at the rate of about twenty per cent., in every period of fourteen years. They point to the relative paucity of Maori females, and to the abnormal mortality of the race, especially amongst the children, as facts which make certain its extinction within a short period. Such considerations induce to the abandonment of the work of civilization as hopeless, and favour the adoption of a merely temporizing policy. The race, it is said, is irredeemably savage. It is also moribund. All that is wise or safe to attempt, is to pacify and amuse them until they die out, until the inscrutable physical law at work amongst them shall relieve the country from the incubus of a barbarous population, or at least shall render it practicable to reduce them to the condition, for which nature has intended them, of hewers of wood and drawers of water. An exclusive reliance on the personal influence with the natives of particular individuals, and on the effect of gifts and flattery upon the more powerful or more turbulent chiefs, would be natural features of such a policy, which by its demoralizing influence would realize the expectations of its advocates, and render the annihilation of the Maori race both certain and speedy.

"6. To the present advisers of the Crown in New Zealand, such a policy appears false, cowardly, and immoral. In common with the whole intelligence of the community, whose opinions they represent, they believe it to be at once the interest and the duty of the colonists to preserve and civilize the native people. Though not blind to the indications of physical decay which the race exhibits, nor to the great difficulties in the way of a policy of fusion, they do not permit themselves to despair. And they believe that the true course—a course which, however small the prospect of success, the British Government would still in honour and conscience be bound to pursue—is to make all possible measures for bringing the aborigines as speedily as may be under British institutions.

"7. In order to the correct apprehension of the position of the Native question, it ought to be fully understood that the British Government in New Zealand has no reliable means but those of moral persuasion for the government of the Aborigines. It is powerless to prevent the commission by Natives against Natives of the most glaring crimes. Within the last twelvemonth blood has been spilt in Native quarrels in at least four different places in the Northern Island, at New Plymouth, the Bay of Plenty, Hawkes' Bay, and the Whanganui River; in one instance, within the limits of a British Settlement. In the cases, which happily are not numerous, in which aggressions are committed by Natives against Settlers, the Government is compelled to descend to negotiation with the Native Chiefs for the surrender of the offender. The development of the material resources of the extensive wilderness still in the hands of the Natives, which comprises nearly three-fourths of the total area, and some of the most fertile portions of the Northern Island, depends absolutely on their will. Without their consent it is impossible to survey or even to traverse the country. Much less could the Government undertake the execution of roads, bridges, or other public works, in Native territory. Considerable difficulty was lately experienced in the establishment of a mail route between Auckland and Napier, though the mail bags are carried by Maories. And it was very recently represented, by the chief permanent officer of the Native Department, that it would be inexpedient, and even dangerous, for the Government to make a gift to certain Waikato Natives of a few bags of clover seed, lest the present should give rise to disputes respecting the ownership of land, and the Government be blamed by the Natives for having introduced among them a cause of dissension. These instances may serve to illustrate the nature of the present relations of the Colonial Government with the Natives.

"8. Whether a Government reduced to such timid shifts, and with nothing beyond a moral hold upon the allegiance of a self-willed, suspicious, and warlike race, can succeed in subjecting that race to the salutary restraints of law, and in preserving it from the destruction which must result from a continuance of its own barbarous usages, is a problem which remains to be solved. There can be no doubt that the presence of an increased Military and Naval Force of sufficient strength to command respect for the British power,—now very lightly esteemed by the New Zealanders,—would greatly forward any efforts for the permanent amelioration of their condition. In the legislative measures proposed and carried by the present Government it has, however, been assumed as a condition, and steadily kept in view, that the Colony will remain practically destitute of any force available for the maintenance of law and order amongst

the Natives, and that reliance must be placed solely on the good sense of the people, and their innate capacity, under wise guidance, for self-government."

These, Sir, are in my opinion, words of wisdom. I turn now to the measures which are referred to as embodying these doctrines in a practical form. First, Sir, there is the Native Districts Regulation Act, 1858, No. 41 of last session. I pass over the preamble, I turn to the second, the operative clause of the Act. It enables the Governor in Council to make Regulations in Native Districts for repressing and punishing a variety of offences. The 6th section indeed declares that such Regulations shall be made "as far as possible with the general assent of the "Native population affected thereby, to be ascer-"tained in such manner as the Governor may deem "fitting,"—a vague sentiment scarcely fit for a Legislative enactment, which in truth might be made applicable to all laws—made by all Governments, no matter of what kind. With this scarcely noticeable exception, there is not a vestige in this measure embodying the principle of self-government. Then, Sir, there is the Native Circuit Courts Act, No. 42, of last session. It authorizes the Governor in Council to create Native districts and to appoint a Resident Magistrate assisted by a Native assessor for the trial of certain civil and criminal cases. There is not a syllable in this Act which touches the principle of self-government. When my hon. friend tells us that the Natives are "fully capable of institutions "containing the germ of British freedom;" and that "under the existing circumstances of the Colony "reliance must be placed for the maintenance of law "and order amongst themselves solely on their own "good sense and their innate capacity under wise "guidance of self-government," I ask my hon. friend what would be said by a British community, if told to recognize institutions of British freedom, or the principle of self-government in the establishment of a Police Court and Regulations made by the Governor in Council? Now, Sir, I desire distinctly to disclaim any reflection whatever on my hon. friend or on the Government in 1858 for having contented themselves at the time, with these measures. They were experimental—must be regarded as such, but, as an experiment, they have failed. I think it extremely probable that had I been one of the Government in 1858 I should have coincided in those measures. They now serve as a light to guide us on our way for the future, as a beacon to show us what to avoid. No doubt my hon. friend will by-and-bye refer me to the meeting of Native Chiefs at Kohimarama, as a movement in the desired direction. I grant it, and in what I am about to say I do not intend to imply blame to the Government in what they have done in this matter. The readiness with which the House voted a sum to enable that meeting to be repeated next year is a sign of the general approval of the House of the principle involved in it. But I must remind my hon. friend that the convention of such a meeting ought strictly to have taken place under sanction of law, and should be legalized for the future. The resolutions I am about to propose tend to that end. My hon. friend and myself are of one mind in this matter; indeed, I am persuaded that if he could rid himself of ministerial trammels he would rush into my embraces, and unite with me in advancing our common object. My hon. friend spoke the other evening of the danger under certain conditions of "the "trembling hand." That is the danger now to be avoided; our measures must be decisive and forwards. We made an unsuccessful step in 1858; we must now take a step in advance. I ask him now to join me in devising for the Natives, institutions "British in their "spirit, founded on the principles of self-goverument "though adapted to their peculiar circumstances." A word, Sir, on another cognate subject. There is a very interesting topic touched on in the memorandum of September, 1858, the treatment of mixed districts. My hon. friend in that paper expounds with his usual clearness and ability his views in reference to the treatment of districts of this character, and then drops down with a most remarkable instance of the "bathos," by way of illustration upon the Bay of Islands Settlement (laughter). I hope we shall hear something more from my hon. friend about the Bay of Islands Settlement (laughter). But, Sir, are the Natives in reality ripe for receiving institutions of self-government? I may appeal to the opinion of my hon. friend just ready for testimony on that point as conclusive as against himself. I shall not trouble the House with abstract speculations as to the characteristics of the aboriginal race with which we are dealing. I suppose it possible that there may be races of so low a type of humanity as to be unsuited for the reception of the higher order of civilized institutions. The Australian Natives and some Tribes of South Africa may be of this description. But I perceive no such disqualification in the Maori race. I must take the liberty of saying that I dislike exceedingly the term *savages* applied to them; we speak of them with an arrogance of race of which I strongly disapprove; we should remember the beginnings from which we ourselves sprung. I met the other day with a very remarkable passage, in our great historian, Gibbon. I commend it to the attention of hon. members. I see on the benches of this House gentlemen from the northern parts of the British islands. They are the great ornaments of this House, and we may point to them with pride as specimens of the highest order of civilization. Let me read what Gibbon says of their ancestors, whose blood at least may have mingled with theirs:—

"The Scots, the Picts, and the Saxons spread themselves with rapid and irresistible fury, from the wall of Antoninus to the shores of Kent. Every production of art and nature, every object of convenience or luxury, which they were incapable of creating by labour or procuring by trade was accumulated in the rich and fruitful province of Britain. A philosopher may deplore the eternal discord of the human race, but he will confess that the desire of spoil is a more rational provocation than the vanity of conquest. From the age of Constantine to that of the Plantagenets, this rapacious spirit continued to instigate the poor and hardy Caledonians; but the same people, whose generous humanity seems to inspire the songs of Ossian, was disgraced by a savage ignorance of the virtues of peace and of the laws of war. Their southern neighbours have felt, and perhaps exaggerated the cruel depredations of the Scots and Picts, and a valiant tribe of Caledonia, the Attacotti, the enemies, and afterwards the soldiers of Valentinian, are accused by an eye-witness of delighting in the taste of human flesh. When they hunted the woods for prey, it is said that they attacked the shepherd rather than his flock, and that they curiously selected the most delicate and brawny parts both of males and females, which they prepared for their horrid repasts. If in the neighbourhood of the commercial and literary town of Glasgow a race of cannibals has really existed, we may contemplate in the period of Scottish history the opposite extremes of savage and civilized life. Such reflections tend to enlarge the circle of our ideas, and to encourage the pleasing hope that New Zealand may produce, in some future age, the Hume of the southern hemisphere."

When you speak of them as savages, let me remind you also that they are, at least, nominally Christians—as much Christians, at all events, as the great bulk of our own population. There is much, no doubt, in their apparent Christianity which is false. There is at all events something that is true. We need not boast of our advantage over them in this respect. I was present the other day at one of the most interesting ceremonies I ever witnessed, the admission of three candidates of the Native Race to the holy rite of ordination. I regard that as a very significant circumstance. And let me say a word of the missionaries. They have, in my opinion, done vast service to the Colony. But theirs is preparatory work, and the time

is come for us to step in and do our part of it. The missionary prepares the way, but permanent influences can only be established by social institutions. It is our duty to provide them. It is the business of the Legislature to constitute them in their general form, leaving to the Executive Government very large discretionary power as to their exact shape and application. I shall agree so far with my hon. friend that very large discretionary power must be left in their hands. My resolutions distinctly point to that as a principle. If we should succeed in devising measures of this character, acceptable to the Natives themselves, we shall, I think, have broken down the barrier which at present hinders and threatens permanently to obstruct the progress of colonization. Their land league will disappear, and the King movement will be superseded by a general rallying round legitimate institutions planned in harmony with our own and placed under the sanction of the British Crown. My resolutions point in the first place to the establishment of a General Conference, a council of which this meeting just closed at Kohimarama may be taken as a sample. Observe that I would not propose to give it any positive legislative functions. All positive legislation should proceed from the General Assembly. Besides this I desire to see established provincial or district bodies, with limited functions. I refer to the old court leet as an illustration of the kind of thing we want. In this I perceive neither great difficulty or expense. I turn to the subject of native lands, how to obtain them for colonization. I have shown the intimate connexion between this question and that of the Civil Government of the Natives, and I proceed on the supposition that, by some such means as I propose, the present barrier between the races will have been removed. We have now to regard the lands of the Natives with reference to that tide of colonization which is so rapidly advancing. That is one of the most difficult elements in the case. This tide will force its way unless directed into proper channels. As regards the Middle Island we need not trouble ourselves. The whole, with insignificant exceptions, has been surrendered to the Crown. In the Northern Island there are say 20,000,000 of acres as yet in the hands of the Natives—the native population numbers about 50,000—a vast disproportion between population and territorial area. I respectfully dissent from the argument of the Bishop of New Zealand, who likens the case of the Native proprietors of this large area to that of the squatters of the Middle Island. According to this rule the privilege of monopolizing the lands should be equal in both cases. But his Lordship forgets the jealousy with which the squatters are regarded—the care which is taken to give them only temporary occupancy of the soil, so that they may not hinder the advance of colonization. Even were there any analogy between the cases, his Lordship omits to observe this material difference between the circumstances of the two islands, for whereas the Middle Island possesses vast natural pastures, yielding wealth without labour, there is scarcely an acre, at least in the Northern portion of this Island, which does not require the hand of man and mechanical appliances, both capital and labour, to turn it to account. But I put aside this reasoning on which I am sure his Lordship would not insist. How then are we to rectify this disproportion between the numbers of the Native population and the area of land held by them? First, I suppose that a certain proportion, say three or four millions of acres, may be required for the wants of the Native population themselves. In dealing with their own no one could presume to stint them. I desire to see to this extent the titles of the Natives individualized, and Crown grants substituted for their present tribal tenure, but only to that limited extent, and in districts where British law is and may be brought into practical operation. A Crown title carries with it the incidents of British law, and no Crown title should be given where British law cannot be practically enforced. These individual titles should be of an unqualified proprietary kind—subject to no tax and to no conditions which are not essential to the well-being of the Natives themselves. But how shall we deal with the vast surplus of their lands (say 16 millions of acres) which they cannot turn to account themselves,—which is the object of a natural and, I will venture to add, not culpable, cupidity to the settlers, and which, even for the sake of the Natives themselves, should be opened for colonization. The Bishop urges us to create Native lordships, covering with individual titles estates of great acreage extent. I fear that this would be only a step towards bringing them within the grasp of those hardy and rapacious Caledonians, whom I just now referred to, and, I may add, of other races besides, equally hard and rapacious, who will be instantly down upon their prey. A huge system of land sharking will be opened; or, possibly, a wild land-tax will be invented to wrest the uncultivated waste from the Native proprietary. Sir, I confess myself to be a disciple of that school which recognizes colonization as a science, and I would deal with it upon system. I gratefully acknowledge my obligations, for all I know on this subject, to one who may be said to be the father of this school, and to whom the colonial world is deeply indebted—I mean Mr. Gibbon Wakefield. I desire to see this great surplus Native estate (in its state of normal wildness of no value whatever) managed systematically, so as to lay it out to the best advantage, and so as to realize funds available for the benefit of the Native proprietary, and, at the same time, the improvement of the localities whence the fund arises. I look to this as a source of relief to our revenue, which is at present largely burthened with charges which might be provided for in this way. Now, let me speak of the Native Territorial Rights Bill of last session. I can scarcely express my disapproval of it in terms sufficiently strong. It appears to me to have combined as many errors as it was well possible to bring within the compass of a single measure of this kind. First, it embraced two distinct subjects, having no necessary connexion with each other—the ascertainment of Native Titles, as between the Natives themselves, and the issue of Crown Grants to individual proprietors. Then it purported to confer on Native proprietary rights so ascertained a sort of hybrid title by means of Crown Certificates, so that it would be impossible to distinguish whether they were or were not under the protection of British law. The Colonial Office despatch on this subject is unanswerable. Its operation was limited to three years, during which it would be impossible to take effective measures for really grappling with the land question. It was limited to 50,000 acres a year, so that it never even affected to deal with that which is the principal object of concern,—that great uncultivated waste which the Natives hold and the settlers are struggling to obtain. It could only have been applied, and even that to a small extent, to what I term the proprietary lands of the Natives, those which they ought to retain for themselves in simple unencumbered ownership; and then, as regards these lands, the measure damned itself by imposing on the transfer of all lands so granted a tax of 10*s.* an acre. It taxed the small fraction of lands which ought to have been left untaxed, and omitted to deal with the bulk which was the object of primary consideration. The honourable gentleman, the member for the Bay of Islands, declares himself enamoured of this measure. His fondness for it is surprising. I have seen a child playing with a toy, a horrible-visaged wooden doll, with its nose battered in, and its eyes out, and in a state of general mutilation. The child fondles and dandles it, and calls it by affectionate names, and takes it to bed with it. This fondness of the hon. member for the poor dear dead Territorial Rights Bill reminds me of such a distempered youthful fancy. I confess also my surprise when I hear Ministers declare that they still adhere, notwithstanding the Queen's disallowance of the measure, to the policy of this miserable abortion. But I shall be told, no doubt, that my views are a work of imagination. The scheme I propose is an agreeable fiction. It

will not answer. It will not be accepted by the Natives. It will take a long time to produce results. I frankly confess that I do not anticipate sudden benefit from it, especially under the existing circumstances of the Colony. But, because the tree will not start up into instantaneous growth, shall we refuse to plant the seed? Because a deep-seated constitutional malady will not at once give way, shall we refuse to initiate a proper course of treatment? I am persuaded that measures of this kind presented to the Native race will have a most real and salutary operation—will, by degrees, permeate the whole native body, revive its confidence, and restore to a state of health the system which seems to me rapidly passing on to a stage of dissolution. It would be mere quackery to pretend that these or any measures will work a sudden cure. As to the success of such a scheme, I see a fair prospect before us. I think it assimilates generally to his Excellency's views. I am persuaded that it will obtain sympathy and co-operation from the Missionary body. It is a great calumny against that body to represent it as obstructing systematically the colonization of the country. They view questions of this kind naturally from a point of view favourable to the Natives, but they are no less than ourselves alive to the necessity of reconciling their interests with the progress of colonization, and, I am sure, will be ready to work with us to that end. With such co-operation, we need not wait for instructions from Downing-street, nor be afraid of our measures being counteracted by the Imperial Government. It may be that money will be required for these objects to make the wheels run smooth—to bribe the Natives, if you will, into assent to a scheme which, in itself, offers them alluring advantages. I propose that we should authorize a loan. £100,000, or double the money, would be well spent in the accomplishment of such a work. Better far to expend our money so than waste it miserably in war. Side by side with these measures, I propose an entire change in the system of our Land Purchase Department. I desire to suspend all its active operations. I do not mean that we shall absolutely refuse to buy land when offers to sell are voluntarily tendered; but I would put an end to the employment of emissaries, as at present, in all parts of the country, whose business it is to solicit the Natives to sell, and who not unfrequently irritate them with their solicitations. Of course such a system frustrates its own object. We waste our money in acquiring inferior lands, and enhance the value against ourselves of what we desire to obtain. I must speak in the strongest terms of dissatisfaction at this whole system and its results. I do not know how much of the Loan Fund has been expended, or with what exact results. It may be unprofitable, troubling ourselves with gathering up spilt milk; but, if a map of the Northern Island were exhibited, showing the proportions of territory purchased and unpurchased from the Natives, you would be startled at observing the comparatively insignificant fraction which we have succeeded in obtaining, and at how great a cost. One great advantage to result from suspending our present Land Purchase System will be, that it will relieve the Governor from a position which tends to degrade him in the eyes of the Natives. He will no longer appear to them in the character of a land-jobber, buying their lands at a cheap rate to make a market by re-sale. Meantime, I trust that we shall take active measures for settling the territorial disputes of the Natives *inter se*. Here has been the principal, I think I might safely say the only source of all the troubles which have befallen the Colony. Let me refer you for an instance to this Taranaki War. Judge yourselves as to the state of Native Title by this question which we have been discussing for the last week—the dispute between Wiremu Kingi and Teira. See the consequences to which it has led. I have spoken with my hon. friend the member for Wallace County (Mr. Bell), a great authority on this question. He assures me that it is his confident belief that, with the assistance of the Natives themselves, and a moderate outlay of money, the Native Titles throughout the colony might be unravelled; at all events, the intertribal rights. From this point it will be less difficult to ascertain their individual rights. Now, Sir, I have reached the last branch of the subject which I propose to discuss. I mean the constitution of the department of Government which presides over Native Affairs. In my judgment, the time has come for a fundamental change in this department. I now repeat what I said the other night, that the arrangement of 1856 has failed. I propose to show that it has failed, as applied to the existing state of affairs. I am persuaded that it will be found utterly unsuitable for working out any such scheme of future management as I propose. The present departmental arrangement was founded on the Memorandum of May 1856. The substance of that arrangement was this: Ministers were to conduct the department of Native Affairs in the ordinary way, that is to advise his Excellency on all questions without exception, but his Excellency reserved to himself the absolute right of acting or not, as he pleased. In case of difference, the matter in difference was to be recorded and submitted for decision to the Imperial Government. My hon. friend the Colonial Secretary seemed to reproach me the other day with having been the author of that arrangement. He told us that he disapproved of it—disapproved of it still, though not prepared to propose an alteration. It is true that I am so far responsible for this arrangement, that on my taking office in 1856 I accepted it, when tendered by his Excellency. But these were terms imposed on me; they were the conditions of responsible government. I submitted them to, and they were approved of by this House. Sir, I think, upon the whole, that the arrangement was at the time the best that could be made. It no doubt involved a delicate state of relations between his Excellency and his advisers. Great tact and judgment and forbearance might possibly have made it work. It has, however, in my opinion, failed. Here let me remind my hon. friend the Colonial Secretary that the existing arrangement between the Governor and his Ministers was finally settled, not by the Memorandum of May, but of August, 1856. The terms actually in force are stated with exactness in the Memorandum of September 1858, printed amongst the papers of this session. I will read a passage from that Memorandum:—

"40. In contradistinction to such a plan, Ministers desire to see the department of Native Affairs conducted by one of the Ministry as its acknowledged head, but subject to the supervision and control of the Governor as fully as before the establishment of Responsible Government, with a recognized right on the part of his Excellency to interfere, if need should arise, even in the details of administration, and of being authentically informed of the opinions, on every case as it arises, of the permanent officers of the department, who would of course be irremovable except by his Excellency's consent, and with whom he would always be entitled to communicate personally. Thus much Ministers consider is due to Imperial interests, so long as a Military force is maintained in the Colony at the cost of the Mother country. They believe, however, that Imperial interests and the good of the Natives would very rarely, under such a system, appear to require the active interference of the Governor in opposition to the Ministry.

"42. Ministers understand that the system last described is that actually in operation under his Excellency's Memorandum of 28th August 1856, replying to the last cited Memorandum, although, in consequence, mainly, of the want hitherto of a Native Minister, it has scarcely yet been brought effectively into play."

Now, my hon. friend reproached me with being the author of the existing relations between the Governor and his Ministers which he considers objectionable. But in September 1858 he and his colleagues declared it to be the very thing which they desired.—[*Colonial Secretary:* Whose name is to that memorandum?]

—Mr. Richmond's—[*Colonial Secretary:* I was absent at the time.]—I conclude from my hon. friend's interjection that he disapproves of that memorandum of 1858. Be it so, but let me suggest to him that in that case the blow which he aimed at me ought rather to have been directed against his colleagues —[*Colonial Secretary:* I neither say that I approve or disapprove] —Then I may assume, perhaps, that my hon. friend did not disapprove of the existing arrangement. The difference therefore between us is this—that the arrangement of 1856 (which is substantially the same as the present,)—was right—but is now wrong. My hon. friend thought it was wrong, but he now considers it right. For my own part I make no pretensions to an obstinate consistency. I am satisfied that the arrangement has failed, and I will show sufficient grounds for that opinion. Observe, Sir, that it has led to the formation of two distinct independent and frequently conflicting forces working in the same department; the difficulty does not arise so much between the Governor and his Ministers as between Responsible Ministers and the influences behind the Governor. You must not be deceived by the appearance which there is at the present moment of the machine working with tolerable harmony. That is an accident—do not be misled by it. There are, let me assure you, wheels out of order and cogs that will not act. And in almost all the important operations of Government these conflicting forces are sure to bring the machine to a stand still. I will point your attention to some evidences which we have of this patent before us. There was a very important step taken by the Government in attempting to bring into operation their Native Circuit Courts Bill at the Waikato. I do not pretend to meddle with the secrets of office, but it has been frequently stated by the public press and is I believe perfectly well known, that somehow or other that experiment was frustrated by influences within the Government which mutually counteracted each other. There is the Native Territorial Rights Bill; I think meanly of that measure, but my hon. friends hold it in high esteem, so it will not serve the purpose of my present argument. The same conflict of influences contributed in some measure at least to frustrate its practical operation. I point to the Native Reserves Act, 1856—that was I may say a child of my own. I augured great things from it. It afforded an admirable opportunity for an experimenting upon that important subject—the individualization of Native Title. I have been grievously disappointed at the almost total neglect into which that measure has fallen. It was nearly strangled in its birth by causes of the same character, and I cannot but suspect that its inoperativeness will be found traceable in some degree at least to the influence of inter-departmental jealousies. And now, Sir, I ask you to look at the case before us. His Excellency sends us down a message, recommending to us important measures of policy, in the general character of which I may venture to express my agreement. But his Excellency's Ministers sitting on those seats, declare, as I understand, their absolute dissent from the most important of his Excellency's recommendations. Ought such a state of things to continue? But if it has so failed for the past, consider how hopeless it would be to expect a good result from it, in bringing into operation those important changes which I desire to see made, and which I hope the Legislature will sanction. I state as an axiom—from which it will be impossible that there can be a dissenting voice—that to work any such plan as I propose, there must be unity of action in the machine which is to work it. How to construct such a machine possessing that unity of action, out of so many separate elements and independent forms, is no doubt a task of difficulty, but I do not regard it as impossible. Indeed we are bound to attempt it. I propose then to constitute a Board or Council so composed as to represent in due proportion the respective authorities which claim to exercise influence in the management of Native affairs. The nomination of this Board would be with the Crown. But I propose that one member should be a Responsible Minister, so carrying into such a Council the mind of the Legislature. In the composition of the remaining portion of it, regard should in my opinion be had to the fitness and qualification of those specially conversant with Native affairs. I desire to see such a Board composed mainly of what I term periti—men who understand the work they are engaged in. It may be that some of those who now exercise an injurious influence over the Governor behind the curtain would be important and valuable members in such a Board—openly co-operating with other men. The mutual action of mind upon mind would I think tend to produce agreement of opinion; resulting in what is essential to success—unity of action. The Government of England has had recourse to something of this nature in reference to the management of Indian affairs. The Council for Indian Affairs, recently constituted, supplies, in my opinion, a guide which we may safely follow. The people of England and its Government are not more ignorant of Indian affairs than, speaking in general terms, we are of those aborigines with whom we are, it is true, placed in closer contact. For the most part we know nothing of their language, their habits, or their wants; and we require, in the administration of affairs relating to them, men of special skill in such matters. And if we are about, as I trust we are, to commence the task of creating for this people an intelligent system of social institutions, founded on the principle of self-government, we must remember that an indispensable condition of success in working such a system must be the placing at its head men in whom they themselves shall have confidence. I apologize to the house for the time which I have occupied, and conclude by moving the resolution which stands in my name.

"*Mr. Sewell*—On the motion of the Colonial Treasurer to appoint a Select Committee to consider the subject of Native Land Purchases, to move the following Amendment:—

"That whilst this House concurs heartily in his Excellency's declared intention to repress by arms the present Native Insurrection, till the complete re-establishment of the Queen's authority, it is necessary to devise measures for the better management of Native affairs, and that with this view the House do resolve itself into Committee to consider the following Resolutions.

"1. That the present System of Management of Native Affairs is unsatisfactory.

2. That it is expedient by Act of the Assembly (to be reserved for the Queen's assent) to constitute a Board or Council to be a Council of Advice to the Governor in the Management of Native affairs;—such Board or Council to be nominated by the Crown; but but one Member thereof to be a Responsible Minister; and any Member thereof to be removable upon address of both Houses of the Legislature.

"3. That it is the imperative duty of the Legislature, with the Queen's assent, to provide without delay, a system of Government for the Natives, in Native districts, applicable to their circumstances,—such system to be subordinate to the authority of the Crown and the General Assembly,—as nearly as may be in harmony with the ordinary institutions of the Colony, and framed with a view to the fusion of both races under an uniform system of Government.

"4. That an Act should be passed (to be reserved for the Queen's assent) to enable the Governor to summon in such manner and at such periods as he shall think fit, such persons of the Native Race as he may think fit, not exceeding in number, to constitute, under the guidance of properly qualified persons, a General Native Council;—such General Native Council to have a Legislative character, and to have the power of originating measures relating to the Native Race; such measures to be submitted to and perfected by Acts of the General Assembly.

"5. That power be given to the Governor to constitute in such manner as he shall think fit such

subordinate Councils and Assemblies of persons of the Native race in Native districts for the purpose of managing affairs affecting the Natives in such district; such Councils to be invested, under the guidance of properly qualified persons, with such limited powers of Government, Legislative and Executive, in such districts over persons of the Native race as may be defined by Acts of the Assembly.

"6. That the present unsettled state of the Colony in great measure arises from the undefined nature of the territorial rights of the Natives, and that it is expedient without delay for the Government to take measures, in co-operation with the Natives themselves, for settling and defining, as far as possible, their territorial rights, *inter se*;—and that an adequate sum ought to be placed on the estimates for defraying the expenses connected therewith.

"7. That the present mode of acquiring lands from the Natives for the purpose of colonization is unsatisfactory.

"8. That this House recognizes in the fullest extent the territorial rights of the Natives, whether Chiefs or people, as guaranteed by the Treaty of Waitanga.

"9. That the proper object of the Government in reference to Lands held by the Natives ought to be to reconcile the progress of colonization with such just rights of the Natives.

"10. That all active operations for the purpose of acquiring Land on the part of the Land Purchase Department ought to be suspended.

"11. That measures ought to be framed for the consideration of this House for effecting, with the assent of the Natives themselves, the following objects:—

"(*a.*) The individualization of Native Title, and the issue of Crown Grants to Native Proprietors in districts over which British Law is in operation, or to which it may be extended; such Crown Grants to be to a limited but adequate extent, and under such conditions for the benefit of the Native Proprietors as may be defined by Act of the Assembly, so as practically to confer on them the rights of absolute ownership; and that provision should be made in such measures for regulating the devolution, descent, and transmission of lands so granted.

"(*b.*) As to the surplus of their lands.—To provide a proper system, in concert with the Natives themselves, for the sale and management thereof, in such manner as shall best promote the objects of colonization, consistently with the interests and advancement of the Native Race. The proceeds of all Land Fund thence accruing, after reimbursement of all charges and expenses, and a proportionate contribution to any general charges of Government, to be administered by the Governor, in concert with the Natives themselves, for the improvement of the districts wherein arising, and for the social advancement of the Native Race therein.

"12. That the Governor should be authorized by Act of the Assembly to raise by loan a sum not exceeding £ , to be applied towards the furtherance of such last mentioned objects."

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*Extracted from the "*NEW ZEALANDER*" Newspaper, dated Auckland, August* 18, 1860.

THE ADJOURNED DEBATE ON MR. SEWELL'S NATIVE POLICY RESOLUTIONS.

On this order of the day being called on, Mr. J. C. Richmond, with whom rested the resumption of the debate, said that, having seen the notice of the amendment to be proposed by the Minister for Native Affairs, he would beg to waive his right to address the House for the present (hear).

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*Extracted from the "*NEW ZEALANDER*" Newspaper, dated Auckland, August* 22, 1860.

THE TWO NATIVE POLICIES.

Mr. Richmond said: Sir, the exposition of the notions of my hon. friend the member for Christchurch (Mr. Sewell) on the subject of Native Policy was very much what I had anticipated; it was a glorious cloud castle, unsubstantial as the stuff that dreams are made of. I have this morning been reading the report of my hon. friend's speech in the *New Zealander*, and, after four columns of smoke, I at last came upon something tangible—something requiring an answer—in my hon. friend's objections to the Native Acts of 1858. First, as to the Native Circuit Courts Act, 1858, my hon. friend stigmatized it as establishing a Police Court. This was the very objection made by the present Ministry in 1858 to the Resident Magistrates' Court. The Native Circuit Courts Act, 1858, was prepared expressly to remove this objection, and did remove it. It was amusing to see my hon. friend going over again in 1860 the same ground as had been traversed in 1858—apparently quite unconscious of his plagiarisms. My hon. friend referred to "the old Court Leet as an illustration of "the kind of thing we want." If he will refer to the observations with which the Native Circuit Courts Act was introduced in 1858 he will see that the Leet was proposed by us as the model of the Native Circuit Court; and if he will further take the trouble to read the Act itself, he will see that this proposal was carried into practical effect.—[*Mr. Sewell:* Why, there is a Jury in the Leet, and Presentations.]—Certainly, and so my hon. friend will find a jury, with power to present, in the Native Circuit Courts Act. It seems he has not even read the Act he pretends to criticise, and is self-convicted of the very slight attention he has paid to this subject. The truth is, he has got his notions from us, but has forgotten the origin of his ideas, and is now bringing out these stale ideas as something new of his own. I was sorry to note the satisfaction with which my hon. friend pounced upon what he fancied was a fundamental difference between himself and the Ministry. He seemed to have been looking about for differences. When the hon. member after his return from England again took his seat at the Council Board as one of the present Ministry, not a word was said of these differences. Something was said about the plan for the commutation of Native Title, suggested by us in our memorandum of 29th September 1858—about which, more presently. But not one word about this supposed fundamental difference as to Native Policy. It was, therefore, with great surprise that I saw my hon. friend reported as declaring at the hustings in Canterbury, that he disapproved of many things in the policy of Ministers, but especially of their Native Policy. And really, I was amazed at the *aplomb* with which the hon. member has in the present debate lectured us on our own principles, and preached to us out of our own book. Is it a likely thing that we should, as the hon. member pretends, have wholly lost sight, in legislation, of principles which, according to his own showing, we have so clearly recognized in everything we have ever written or spoken on the subject? I have already shown how unfounded is the hon. member's stricture upon the Circuit Court; and I shall now show that the objections to the Native Districts Regulation Act are equally visionary. The hon. member complains that with what he calls "the scarcely noticeable exceptions" of the preamble and the 6th section of the Act, "there was not a vestige "in the measure embodying the principle of self-go-"vernment." Never was criticism more thoroughly mistaken than the hon. member's. I will demonstrate this.—[Mr. R. then proceeded to show, by citation from memoranda of Ministers, and from his own speech in introducing the Native Districts Regulation Act in the year 1858, that the express purpose of the measure

was to confer on the Native meetings known as Runangas a virtual legislative power—that the Act expressly imposed on the Governor the duty of ascertaining the assent of the people of the district to all regulations made under the Act; and that the reason why a formal legislative power was not granted to the Runangas was the certainty that those assemblies were not fit for the actual technical process of law-making, and would be sure, if left entirely to themselves, to fall into absurdities.]—We intended to work the Native Districts Regulation Act in conjunction with the Circuit Courts. Without an intelligent European leader the Natives will do nothing profitable in the way even of local legislation. The practical working of the scheme is this, as explained in memoranda before the House. As the Circuit Magistrate goes his rounds, he meets the people at each of his stations, who flock in as the country people do at assizes. The time of the magistrate's coming is notified by him by letter to his Native Assessors at each station. The Runanga thus constitutes itself by a natural and thoroughly effective process, and the judicial and legislative business of the district are transacted together. To all the reasonable suggestions of the Runangas the Governor in Council gives legal effect under the Act. A complicated legislative apparatus would be quite unsuited to the simple wants of the Native people. The present time is most inopportune for any proposition to vest formal and independent legislative powers in the Runangas. It is as likely as not, that some of these district assemblies would open with a war dance—as was the case with the late meeting at Ngaruawahia. The hon. member for Christchurch pretends to assign the omission of the principle of self government as the cause why the Native Districts Regulation Act has not hitherto been brought into effective operation. Of the real causes my hon. friend does not seem to know much. I will therefore state them. The first cause was the state of the Waikato district, which was the only district really ripe for, and requiring the measure. Such was the state of disaffection in Waikato that the Governor, on the advice of the officers of the Native Department, backed by the strong representations of Potatau's relative Tamati Ngapora, who is a thoroughly honest man, though he sympathises with the King makers, withdrew the magistrate from the district. We ourselves perhaps might have taken a different course had the conduct of Native affairs rested with us. But we felt that very great weight was due to the opinions of the Native Secretary, and Tamati, and we acquiesced in the Governor's decision. The second cause is even deeper. It is the want of men fit and willing to undertake the arduous duty of Circuit Magistrates. This office requires very rare qualifications. A man ought to have a thorough knowledge of the Native language and character, and to be something of a lawyer. But much more than this, he should be a practical man, fit to be the leader and civilizer of the district, and a man of great tact and resources. Above all, he should have the right spirit. With fifty, ay, or with twenty men, who, with such qualifications, would carry the missionary spirit into the civil business of the Colony, the Native Difficulty would vanish. From the known energy and ability of some of the existing magistrates I have however great hopes that the Act will in time be brought into effective working in their districts. But such changes take time; and I observe that whilst the hon. member for Christchurch declares (in the same way as we did before him in 1858) that it would be arrant quackery to expect immediate effects from his own proposals, he has no hesitation in condemning the legislation of 1858 because it has not borne immediate fruit. The view of the hon. member for Christchurch, that the Native people can be civilized by acts of Assembly, is mere legal pedantry. In my opinion the House should be very wary of legislation on Native subjects, and should certainly not commit itself, at the present juncture, to anything which it cannot recede from. It appears to me highly inexpedient to create formal legislative bodies, consisting exclusively of Natives. It is exposing us to the danger of collision with such bodies. Once established in a formal way, their merger in the other institutions of the Colony will be very difficult. We ought never to lose sight of this important point, and ought rather to be preparing the way for the Natives taking their share in our legislation, than encouraging them to harden into separate legislative bodies consisting exclusively of their own race. I condemn the proposals on this head of the hon. member for Christchurch as worse than useless, as highly dangerous. I now pass to the land question. We agree with the hon. member in his preference for systematic colonization, and the House will see that the 9th of the ministerial resolutions proposes a scheme for settling newly acquired districts upon the plan of the despised Bay of Islands Settlement Bill. We have prepared and sent home a Bill embodying the scheme of the 9th resolution, and however much the hon. member may kick at the notion of waiting for Downing Street, it will be absolutely necessary to do so before legislating. The Governor expressed his views in 1858 and the Ministers stated theirs, which in some respects differed from, and in other respects agreed with those of His Excellency. But the Imperial authorities disapproved of all the plans proposed, and the terms of Lord Carnarvon's despatch, disallowing the Native Territorial Rights Bill 1858, have brought everything to a stand-still. Our proposal now is simply this, that if a chance offers of acquiring a large tract of country for colonization upon terms adapted to secure the permanent welfare of the Natives, the Governor, upon the advice of his Ministers, shall accept such offer—this House undertaking to do its part in giving legal effect to such of the terms of the bargain as may require legislation. I may mention as the first fruit of the Conference of the Chiefs at Kohimarama that a proposal has been made by some of the Maketu people to cede a large block in their district. "Now," say they, "we believe for the first time "that you really mean we shall be one people with "the Pakeha." The result of this confidence is that they talk about surrendering their surplus lands. "There is many a slip 'twixt cup and lip" in this matter of land purchase, but, should the proposal go forward, the Ministry will not stand in the way of the most liberal terms (hear). I will now say a few words on the Native Territorial Rights' Bill, 1858. The hon. member for Christchurch wants words to express his disapproval of that measure. First, he is very angry that it consists of two parts: the first relating to the ascertainment of tribal title; the second to the issue of Crown Grants to individual Natives. The two subjects are, however, kept perfectly distinct, and the hon. member's objection is not a very formidable one, as, if allowed, it only amounts to this, that we should have had two Bills instead of one. As to Lord Carnarvon's objection (which the hon. member thinks so wise) that the issue of certificates of title to the Natives might involve the British Government in maintaining the title, it applies to every possible scheme for the ascertainment and registration of tribal title. All parties in the Colony, including the hon. member himself, set aside the objection. It is very easy to obviate it, by express declaration that the British Government will not guarantee possession. It is mere captiousness to allege this empty objection as one peculiarly applying to the Native Territorial Rights' Bill. Then as to the second part of the measure, authorizing the issue of Crown Grants to the Natives. It is true that the measure did not grapple, or pretend to grapple, with the whole Land Question. It was thought desirable that the Government should have power in certain districts to issue free grants of land to Native Chiefs. The Bill conferred this power. But whenever a Crown Grant is issued to a native, the question immediately arises whether or not the estate under the Grant shall be alienable to Europeans, and, if alienable, upon what terms. Now the Ministry took this position,

which they still maintain, that it is not policy to allow tracts of wild land to pass into the hands of Europeans without a guarantee that those lands will be opened up by roads, bridges, &c. Practically, such a guarantee can only be given by means of a payment, or, if you please, a deposit made by the European purchaser, such payment or deposit to be applicable to the improvement by public works of the district whence it arises. It is simply the principle of the land fund. We are not pledged as to the amount of the payment, nor as to whether it should be paid in one sum or by instalments. I do not believe for one moment that the member for Christchurch really thinks that a tax upon transfer, of which the proceeds are returned to the land in the shape of improvements, is really a tax on the Native seller. It is obvious that the tax is the price, not of the land—the whole value of which as wild land goes to the Native seller—but of the improvements; and that the effect of such a tax would be, not to diminish, but to increase the value of the land held by Natives under alienable grants, as it would prevent the back country from becoming locked up. It is sheer nonsense to talk, as the hon. member did, of the measure damning itself by taxing land which he declares the Natives ought to retain. How can a tax on transfer affect land, which, on his own showing, is not intended to be transferred? These are very unreal objections, and I am sure the hon. member himself does not believe in them. He has studied Gibbon Wakefield to very little purpose, if he does. Now, I have done with that much abused, much lauded little measure, the Territorial Rights' Bill, 1858. Individually, I much prefer plans for systematic colonization to any scheme of what is called Direct Purchase (hear). The latter scheme I should only adopt as a *pis aller*. If large blocks can be obtained and systematically settled, that is, everybody will admit, by far the best. It is better, as Lord Carnarvon says, that the Crown should acquire territory than that individuals should acquire property. I heartily agree to that. But what if the Crown cannot acquire territory? What if the Natives have no extensive blocks to sell, or will not sell in extensive blocks? What if they will sell to individuals land which they refuse to part with to the Crown? The hon. member's preference for systematic colonization is just, and I agree in it. But I will not let a preference for a system lead me to shut my eyes to facts. I believe there are districts in which systematic colonization is impossible, and where the question is whether we shall advance the boundaries of settlement little by little, or be brought to a complete standstill. Now the case of such districts is provided for by the 11th Resolution. It will, however, be impossible to take action under this resolution until the Imperial Government has replied to his Excellency's propositions, simply because his Excellency will (as I understand) refuse to act. I may here mention that on the eve of the receipt of Lord Carnarvon's despatch, which has hung everything up, the Governor had been prepared to act upon the 4th clause of the Auckland Waste Land Act, 1858, introducing a modified system of direct purchase, and a draft proclamation, a copy of which will be laid on the table of the House, was prepared for the purpose. But in the teeth of the plainly expressed opinions of the Imperial Government, his Excellency did not feel justified in acting upon the 4th clause of the Auckland Act, which consequently remains a dead letter. Any legislation which the House may now attempt for the introduction of a system of direct purchase will be similarly inoperative. I desire that the House may plainly understand that Lord Carnarvon's despatch has crippled both the Governor and the Ministry. Returning for a moment to the Territorial Rights' Bill, I must say that the hatred for the member for Christchurch to that measure is quite amusing. He calls it an old broken doll, and kicks it about the House with more rage than reason. He banters the member for the Bay on account of his attachment to the principle of this Bill. But I must say that I prefer the bull-dog tenacity—or call it, as the *Lyttleton Times* does, crab-like tenacity—of the member for the Bay, who, when he gets hold, keeps on pinching, to the extreme versatility of my hon. friend the member for Christchurch. My hon. friend blows all round the compass in twenty-four hours. He is a perfect cyclone. I never know where to expect him. In such a hurry for change is my hon. friend, that one of his resolutions actually proposed to shut up the Land Purchase Department. Was ever such madness heard of? Why this very day Mr. Commissioner Rogan has concluded the purchase of 30,000 acres of land at Kaipara! The same active officer has other very extensive blocks which he is on the eve of completing the acquisition of. And it is reported to me that the natives of the Thames district are frankly declaring against the Waikato King and Land League, and are coming forward with extensive blocks. Yet, for the sake of a theory, my hon. friend is proposing to sacrifice all these prospects of an immediate extension of territory!—This brings me to the most important part of the proposals of the hon. member for Christchurch—the proposed alterations in the machinery for the administration of Native affairs. The hon. member prefaces his remarks by the assertion that the present arrangement has failed, and he attempts to prove the assertion by adducing four instances in which he supposes the arrangement has failed. Let us see if the instances bear him out. First, the hon. member adduces the supposed difference of opinion between the Governor and Ministers as to whether a magistrate should be sent to Waikato. Now let it be granted that such a difference did exist, how does that bear out the assertion of the hon. member? The arrangement provided that the Governor, in Native matters, may act against the advice of Ministers. Let it be supposed, for the sake of argument, though it is not the fact, that the Ministers advised the sending of a magistrate, and that they were overruled, was that a failure in the arrangement? Why, it is not the failure, but the working of the arrangement. The hon. member is proposing to constitute a Native Board. No doubt he will provide that the opinion of the majority shall overrule that of the minority. Now it would be a very extraordinary Board if the members always agreed with one another about everything. No doubt they will disagree pretty frequently; and the majority will overrule the minority. But would it be logic, or common sense, to say that the Board had failed to work because the members were not always unanimous? As little can it be said that when the Governor overrules the Ministers there is a breakdown of the present machinery. So the hon. member's first instance utterly fails to bear him out. Secondly, the member for Christchurch refers to the failure in working "The Native Reserves Act, 1856," as due to disagreements between the Governor and Ministry. But there have been no such disagreements. Nor is it even true that the Act has not worked. The clause requiring the assent of the Executive Council to every proceeding taken by the Governor under the Act, however trivial, is found very inconvenient. But this is a defect in the Act, and has nothing to do with the relations of Ministers with his Excellency. The third instance is even less to the purpose. The hon. member vaguely talks of "a conflict of influences which "contributed in some measure at least to frustrate the "practical operation" of the Native Territorial Rights Bill. No doubt there was a conflict of influences, but the conflict frustrated not the working, but the passing of the Bill. It never (as the House knows) became law. The difference in this third case was between the Legislative Council and House of Representatives, which passed the Bill, and the Governor who rejected it. The conflict was between the several branches of the Legislature, and not between the constituent members of the Executive Government. Or if you choose to call it a difference between the Governor and Ministry, the latter were acting, not in their capacity of Ministers, but as Members of the General Assembly. So the third instance fails. The fourth and last instance alleged is the most amazing. I must

read the hon. member's own words:—"And now, "Sir," my hon. friend is reported to have said, "I "call you to look at the case before us. His Excel- "lency sends down a message recommending to us "important measures of policy, in the general cha- "racter of which I may venture to express my "agreement. But his Excellency's Ministers sitting "on those seats declare, as I understand, their abso- "lute dissent from the most important of His Excel- "lency's recommendations. Ought such a state of "things to continue?" Sir, I was amazed when I heard these expressions. I hope the hon. member will explain more precisely how he intends to put an end to so terrible a state of things as he describes, under which members of this House can venture to differ from his Excellency on certain points. How is he going to ensure unity of action, as he calls it, between this House and the Governor? For this last instance, most illogically adduced as an instance of the failure of the arrangement establishing relations between the Governor and the Ministry, really touches, as is obvious, the relations between the Governor and the House. If the House and the Governor agree, what can the Ministers do? We may indeed resign, but certainly we cannot resist. What then does the hon. member mean? Is he going to give up Parliamentary Government altogether? Is the Saturn of the House going to devour another of his children? Let him say explicitly what part he is going to take? Is he going to propose to end collisions on Native subjects between the Governor and the House by excluding the House from all influence? (hear.) The interests which require representation in the management of Native Affairs are really only two—the Imperial interest (including that of the aborigines) and the Colonial. The first is represented by the Governor, and the second by the Ministry. The Ministry, however, have no actual power, but only the right to be informed of all transactions, and to express an opinion. The Governor has two sources of information—the permanent officers of the Native Department, and those gentlemen who are assumed to have a special knowledge of the Natives, and a special interest in their welfare, and who have been termed by the member for Christchurch the *Periti*. Every possible source of information is already open to the Governor, and the ultimate action to be taken rests with him. Now this state of things cannot be materially changed, unless, on the one hand, the Governor is to be bound to act on the advice of the Board, or, on the other, the House is to be deprived of the power of the purse in Native matters by placing the Governor and Board in an independent position as regards money (hear). I do not understand that the Board is to be anything more than consultative. It is utterly impossible that the Home Government would consent to have the Governor made dependent upon the Board. But I suppose that the hon. member for Christchurch is proposing to do away wholly with the influence of the House, whether exerted directly or through Ministers. The Ministers are to be swamped at the Board, which will be wholly in the hands of the *Periti*. And it seems that the power of the purse is to be taken out of the hands of the House and Ministers by putting a loan at the disposal of the Board. This loan is the bucket of water to be poured down the pump of the *Periti*, who thenceforward will draw their own supplies from the land fund accruing from the ceded territory under their management. The hon. member is very dark as to what is to be done with the land fund. He appears to contemplate its expenditure exclusively upon philanthropical objects. The Natives are not only to be paid for their land as wild land, but are to absorb the bulk of the land fund raised by sales to European purchasers. Roads, bridges, and immigration, and such vulgar, merely colonial, things, are not to be thought of. Such a scheme is, no doubt, very amiable. But it is evident that if the land fund is to be so spent, there will very soon cease to be a land fund. Without public works the country cannot be opened, and without population the land is valueless (hear.) I am myself in favour of paying the Natives well for their land in the first instance—of giving them ample reserves, both for individual use and for general purposes; and though no principle of justice requires that they shall share in the increased value given to the land by the industry and capital of Europeans, yet it is, no doubt, politic and right to concede to them such a share, by way of bonus, by giving them a per-centage of the land fund—taking care that this per-centage be not so large as materially to impede the settlement of the country. But no settlement can prosper if its land fund is all to go in schemes for petting natives. The thing is a delusion. If the hon. member distrusts the house and wants to exclude its influence in native affairs, let him plainly say so. There is no doubt about the opinions of the writers of the memoranda before the house. [Mr. R. here cited passages from the memoranda of Bishop Selwyn, Dr. Martin, and Mr. Swainson.] Let the member for Christchurch be equally explicit. It is a simple remedy for difficulties occasioned by a conflict of powers to extinguish one of them. That was to have been the short way of the hon. member for Wellington (Dr. Featherstone) with the General Government. It is a rough ready mode of adjusting the relations between two independent powers. Destroy one, and there are no relations to adjust. But who are the gentlemen in whose favour the House is to abdicate its powers? Some half-dozen names comprise all who can have pretensions to such an appointment. Their qualifications are generally described by Mr. Swainson in a manner so *naive* that I cannot resist citing the passage:—

"But with a view," writes Mr. Swainson, "to harmonize the action of two different authorities in the government of the same country it is essential that the persons to be appointed as the Governor's advisers should be men not only of character and ability but of high social standing, neither having, nor being supposed to have, any partial or undue leaning in favour of the Natives, but by their impartiality, prudence, and good sense, and by their interest in the welfare of the Colony at large, likely to earn the respect and confidence of both races."

—Well truly, with this postulate, the problem is solved. Given your wise, virtuous, elevated persons, who neither have, nor (oh, marvellous good fortune!) are supposed to have, any undue partialities or obliquities of mental vision, and the problem, not merely of Native Affairs, but of all Government, is solved. Find us a perfectly wise and good despot, and the sooner we do away with our constitutions the better. Are there any such men in New Zealand? Do the writers of the memoranda (of whom I desire to speak, as I feel, with unfeigned respect)—do they answer at all points this wonderful description of Mr. Swainson's? It is evident the hon. member for Christchurch does not think so, for he has pulled their memoranda to pieces without mercy. Who then are the Periti to be? I glance for a moment at the position of the Native Minister with respect to the Board. I have heard it said out of doors that the resolutions standing in the name of the member for Christchurch are a bid for the Native Ministry. I am perfectly certain this is not true. If my hon. friend had wanted the Native Ministry he would never have come down to the house with a proposition to extinguish the Native Minister. Under the existing arrangements the functions of the Native Minister are of a very humble character. But the hon. member for Christchurch reduces this House and the Minister to absolute cyphers in Native Affairs. As to the parallel pretended to be drawn between India and New Zealand it is a false one. India is not a Colony. There is no analogy between that country and this, where the two races are equal in number. It is at the points of contact between Europeans and Natives that the difficulty and danger arise. The mixed cases where both races are concerned are the difficulty. I cannot think

a permanent Board will be able to deal effectually with such cases. Then as to the extent of the Board's jurisdiction, who is to say what are Native Affairs? I will undertake by the exercise of a little ingenuity to show that almost anything in the North Island may be considered as falling within the category. Again, this notion of excluding all colonial opinion is a false, narrow view. Worse service cannot be done to the Natives than by exciting the jealousy and hatred of the colonists against them, and the attempt wholly to separate the administration of Native Affairs from the ordinary departments of Government will certainly end in producing such feelings. If any such system is to be attempted let the work be done thoroughly—let the constitution of 1852 be repealed. Now the Governor has referred home this question of the machinery for the conduct of Native Affairs. And for my part if England will really offer to take the matter up, to take the Native question quite out of our hands, and find men and money, I, for one, would cry "Done" to that proposal; though, even then, England would I think be unwise to exclude Colonial opinion from all influence. And when I talk of Colonial opinion, understand that I mean, not that which stagnates in coteries, but that which courts and endures the discussion of this House. As regards the existing machinery no man in this House can have had the experience I have of its working, and I say that it is untrue the machinery has failed to work, and I challenge the hon. member for Christchurch to try again and show where and how the system has failed to work. For nearly four years I have had the duty of expressing the mind of the Ministers on Native questions. It is not an enviable thing to be in a position in which you are perpetually subject to be overruled at the instance of inferior officers. There are often severe demands upon a man's temper. But I do not at present see how the arrangements can be changed for the better. And it is rather too much to have my hon. friend, with his no experience on the subject, coming down and glibly telling the House that the machine does not and cannot work. I am perfectly open to conviction upon the difficult and delicate question of the mode in which, and the extent to which, colonial opinion ought to be admitted to influence the conduct of Native Affairs. But I pray and I warn this house not to give its assent to the specious proposals of my learned, able, ingenious, but exceedingly versatile friend (hear and laughter).

Extracted from the "NEW ZEALANDER" Newspaper, dated Auckland, August 18, 1860.

Mr. Brown briefly addressed the House in general support of Mr. Sewell's resolutions, and in deprecation of the comments made upon that hon. member by Mr. Richmond. He also impressed upon hon. members the necessity, at a critical juncture like the present, of refraining from wasting time by indulging in personal jokes and stale witticisms (hear, hear).

Mr. Daldy wished to point out the very onerous position in which the House was placed. First, they had a memorandum from his Excellency, and submitted to the Home Government; then the resolutions of the hon. member for Christchurch, and the Resolutions proposed by the Government, all of which were very vague, at least for the most part. He thought nothing very defined had been placed before the House at all on that question, and that they were in a peculiar position. Under such circumstances it was not yet the time to go into the land question, but whichever set of Resolutions the House went into Committee upon, then would be the opportunity for members to speak fully and freely on that subject.

Mr. Carleton made a few remarks of a general character.

Mr. Heale said: The hon. member for the City (Mr. Daldy) seems to think that those Resolutions are too vague and take in too wide a range of subjects. I object to them that they do not embrace enough, and I propose to add four more to their number. When I consider, Sir, that not only this Colony, but our countrymen elsewhere, will look for the expression of the opinion of this House on this great Native question, which is now so deeply agitating the Colony, as the highest authority on the subject, I think that a set of Resolutions should not be confined as usual to the mere heads of measures proposed to be brought before this House, but that they should take a wider range, and serve as a sort of manifesto of the more remote, as well as the immediate, causes which have led to the disastrous condition in which the Colony is now placed; and should indicate the whole course and tenor which all remedial action should take; whether to be applied by the Legislature or the Home Government; whether immediate or whether in the more distant future. To this House the public will look for the explicit assertion of the causes which have led—not to the Taranaki war,—but to that deeply-seated and wide-spread condition of distrust and alienation which made such a war possible on such insufficient, I may say frivolous, grounds. It is true that the resolutions both of the hon. the Minister for Native Affairs, and of the hon. member for Christchurch, do contain inferentially most of the propositions which I consider should be affirmed; but I consider them too important to be left to inference, and I think that the resolutions as they stand are essentially defective in that they do not clearly set out the foregone errors and omissions which have been committed; which it appears to me in the highest degree important that this House should lay down and assert in the clearest manner, both to clear up all ambiguity as to the path which all remedial action should take, and clearly to fasten the responsibility where it rightly belongs, both for past errors and omissions and for any future consequences, should they from any ill-judged and unjust parsimony be continued. The system which has been pursued for the past 17 years has as we all know been absolute non-interference, except within the precincts of the settlements; and sometimes even within their limits. The extreme point to which this non-interference has been carried, and the horrors to which it left the Natives exposed, have been fully brought before the House in the description of the feuds at Taranaki, in which chiefs with their followers were in succession shot down, in the very presence of British authorities, and British troops; without an effort for their protection in the punishment of their murderers; although the chief of their offending and the cause of their slaughter was only their kindness towards the Government and the colonists, and their intention to sell land to the Government. Nor were such horrors confined to Taranaki; within 50 or 60 miles of Auckland some years ago a fight took place in which many were killed, and the horror was heightened by the fact that the nearest relatives were engaged on opposite sides. At Tauranga, fighting has been continually going on; in several other parts of the island fights have taken place, and everywhere they have constantly been apprehended, and the attention of the Natives has been distracted from peaceful avocations and pressed into the old warlike channels, for their necessary self-defence. But this was not the original principle on which the Government was established in this Colony, the very extension of British authority involved an engagement of protection and law. Nor was this engagement left to implication—it was distinctly offered and urged as the consideration in exchange for the savage independence of the chiefs who concurred in the Treaty of Waitangi. The preamble of that Treaty sets out that "Her Majesty . . " . . . . anxious to protect their just rights and pro-" perty and to secure to them the enjoyment of peace " and good order," &c., &c., and again, "being " desirous to establish a settled form of Civil Govern-" ment with a view to avert the evil consequences

" which must result from the absence of the necessary " laws and institutions, alike to the Native popu- " lation and to her subjects," &c., &c.; and thus the British Government fully and for a consideration absolutely bound themselves to protect and govern the Natives. And at the first the Government fully recognised and attempted to fulfil its duty of extending protection to all; while the whole garrison of New Zealand amounted to 80 men imposingly garrisoned in Raupo huts, here at the point, without even a ditch in the land side. The Government repeatedly interfered in Native affairs, and once even moved its army to a distance of 150 miles to sustain its authority in a purely Native matter. But of course its weakness invited opposition—and as it soon became clear that the Government would never command force sufficient to make its weight felt, it had no other course than to abdicate its functions as regarded the Natives. This is the root and source of all our misfortunes, and by the prompt and emphatic reversal of this unhappy policy alone, can the safety of the Colony and the ultimate preservation of the Native race be secured. The Natives have been outlawed,—outlawed in the old and barbarous sense of the term, when any one might destroy the outlaw without challenge or animadversion for the law. The Natives, sick of this anarchy, and taught to despise the Government which permitted it, unaided with any institution whereby security, the first need of all human society, could be obtained, have attempted to organize themselves for that essential end without the aid of the stranger; and it is in the nature of things that institutions not moulded by the Government should turn against it. And as, I think, Sir, that with so large a portion of the Natives, either in arms against us, or living in doubt whether to take them up, we should not pass any resolutions on the subject of the Natives, without prominently putting forward the great cause of their disturbances; true it affords some palliation of them, and may be said in so far to weaken our cause, but *we* are not to blame; the Colony is innocent of this wrong. The *British Government* undertook the government of this Colony and of the Natives especially, and it has abandoned them to a hideous anarchy, which now has turned round against us. It is true the resolution does in some degree imply this fault on our side, when 20 years after the foundation of the Colony it has resolved—"That it is just and expedient to extend to " the Aborigines of New Zealand the advantage of " Civil Government with the least possible delay"—it does indeed speak volumes of the past neglect by the British Government not only of a great duty but of a direct and specific obligation, which it voluntarily undertook by Treaty. It behoves us to point out this great dereliction of duty, and to show that even in an economical view it is a wretched failure —that the periodical wars which this dereliction of duty has invoked, has this serious effect on the Colony, actually resulting in a larger military expenditure than would have been sufficient to have preserved the peace. Had the natives 20 years ago been brought into suitable institutions to aid in their own government, the only force required would have been such as would be sufficient to overawe the minority with the aid of the majority instead of, as now, having to oppose the whole in the disturbed districts. We should point out that there is no alternative between undertaking the government of the natives, and bringing them within our system, and leaving them to organize themselves against us and periodically fighting them. I therefore propose and move these additional resolutions, not by any means in opposition to those of the hon. the Minister of Native Affairs, but to supply what appears to me a serious omission in them;—and I shall propose that they stand first, as a sort of Preamble for which his shadowing out the remedial measures will naturally flow. They are,—

1stly. That by the express stipulations of the Treaty of Waitangi the British Government became bound " to secure to the natives of New Zealand the " enjoyment of peace and good order," and " to estab- " lish a settled form of Civil Government, with a " view to avert the evil consequences which must " result from the absence of necessary laws and " institutions alike to the native population and to " Her Majesty's subjects."

2ndly. That the failure or neglect of the British Government to carry out the duties which it then undertook, has left the Native population of these islands in a condition of anarchy under which deeds of violence and bloodshed have been perpetrated—tending fatally to lower the estimation of the British Government in the minds of the Natives.

3rdly. That as the only means of escape from this intolerably anarchy, the Natives have been driven to attempt to organize themselves independently of the British Government under a Native King, and have in many parts of the island taken up a position independent of and consequently hostile to the Colonial Government, which has led to the disastrous war at Taranaki and to a condition of estrangement throughout the greater part of the North Island which seriously threatens the safety of the Colony, and still more the ultimate interests of the Maori race.

4thly. That the British Government is bound by every principle of justice and humanity to afford all necessary aid to carry out its own express engagements to govern and protect the native race and to relieve the Colony from the suffering and distress into which it has been plunged by this solemn duty having been deferred.

Mr. Daldy, in explanation, said he should be prepared in Committee to move not merely four but ten amendments on the resolutions proposed by the Native Minister.

After a pause the *Speaker* again put the question.

Mr. Sewell said he was disappointed that not more members had taken part in this debate. It gave it the appearance of a species of duel between himself and the Native Minister. (Laughter.)

Mr. Weld wished to express his dissent from one or two of the propositions of the hon. member for Christchurch. To some of his propositions all could agree; but some of them were too vague to be swallowed without further explanation. He (Mr. W.) could not concur in the proposal to establish a general Native Council; and if that proposal should be carried, he should wish to place his dissent on record, for the effect would be to establish a sort of triangular Government. Had he been here in 1856 he should have had, as he had already stated, to oppose the existing scheme of Native administration, though he did not say he should have very obstinately opposed it; but he must still more strongly oppose the present scheme, under which we might have three sets of opinions on Native matters in collision, those of the Native Board, the Government, and the Legislature. He believed the proposed Native Board would have nothing to stand upon: it would not have the confidence of the Colony, the Legislature, or of the Home Government. (hear.) If we were to get involved in war through the acts of this Board, the Home Government would throw the onus on the Colony for having sanctioned the appointment of such a Board, and by appointing this Board, he thought the House would be abnegating an important part of its power. When in 184– Sir George Grey asked him (Mr. W.) to be a member of his Legislative Council, he declined, telling Sir George he would never be a party to hanging a veil between the Government and the people; and that would be done were this Board appointed. He would not be a party to anything that would detract from the efficient working of our representative institutions. (hear.) The hon. member for Christchurch had spoken of tentative measures: what he meant by that phrase he (Mr. W.) hardly knew; but by tentative measures he himself meant, going forward slowly yet surely, never retracing our steps. (hear, hear.) The time would come, though it might be years first,

when the Native race would be qualified to take part in the legislation of this country: at present they certainly were not prepared to undertake this important duty. He repeated, we must go forward very slowly, but we must never retrace our steps. (Hear, hear.)

Mr. J. C. Richmond said: After hearing the statement of the hon. member for Christchurch, in support of the motion now before the House, I had determined to go into my views at some length: but on the appearance of the amendment moved by the Minister for Native Affairs, to which as a matter of course I yielded precedence, I perceived that the ground would be cut from under me, and I shall not now need to trouble the House with many observations. The statement of the hon. member for Christchurch left on my mind the same impressions that it did on those of the honorable the Native Minister. His propositions divide themselves into three groups. 1st. The institutions for self-government, the legislative institutions proper to be established for the Maori race; 2nd, the future departmental government of the Natives; and 3rd, the subordinate though scarcely less important questions referring to the ascertainment of native land titles, and the disposal of their lands for their own benefit, and for the purposes of colonization. When the honourable gentleman in producing his propositions for legislative institutions for the Natives, founded them, as I understood him to do, on the fitness of the Maori for self-government, I was, I confess, fairly staggered. I asked myself whether the race he was speaking of could be that among which for the last ten years I have been living,—and when I went home after hearing him, I took down all the recent books on the subject, written by persons who might claim to be among the "Periti," whose knowledge of the natives and friendly dispositions to them are beyond question, to see if, indeed, according to those writers, I knew anything at all of the Maori. Sir, I did not find those writers supporting the view which the hon. member for Christchurch seemed to take. I think the house will not need that I should read anything from those authorities. I think we are agreed upon this matter. I have heard and assented to much that the hon. member has stated respecting the fine qualities of the race. We have listened to the letter that he read with much interest not for the first time. It is indeed a remarkable letter, proceeding from a man who, 15 or 20 years before, had probably been in the practice of cannibalism. I agree with the hon. member in giving my sympathy to the present King movement, so far as that is an effort after law and order; but with every desire to do justice to the Maori character, I must absolutely dissent from the proposition that Christianity has, as the hon. member has stated, as great a hold on the Maori race as on the mass of the British nation. I say this with a deep sense that we are here terribly deficient. I am very conscious that 50 Englishmen can hardly be assembled in a room without exhibiting the lack of a great many qualities which we understand to belong to a Christian; but when it is said that the religion has penetrated the Maori to the same extent as it has our own race, or that in any of the essentials of civilization they are at all upon a level, I must protest against the statement. I could point to many significant facts in proof of my view, but I spare the house, as I am sure hon. gentlemen's experience will suggest them abundantly. Any proposition which bases itself on such a view as the hon. member fer Christchurch has indicated seems to me full of danger. On another point, too, I must say I was greatly surprised at the views of the hon. member. He asserted of the measures of 1858 that they failed because they did not contain the germs of self-government. His own propositions, he asserts, would supply this deficiency. The hon. the Native Minister has stated to the House what those measures did contain in that direction. Well, Sir, it did occur to me whilst the hon. member for Christchurch was addressing you that he might be offering more than the germ of self-government. I had always thought that the germ from which the noble tree which overshadows the world—the tree of British freedom—sprung was something much smaller and less definite than the propositions of the hon member. And, Sir, on going home I referred to the only authority in my reach, and found that, as regards legislative institutions, the beginnings in this nation to which we belong were very small, the progress very gentle. I found that in the middle of the 13th century, when the Commons first appeared in the British Parliament, long after the "hardy and rapacious Caledonians" of whom we have heard had quitted their cannibal habits, the powers of Parliament amounted to nothing beyond the right of representing grievances and voting supplies; and it was not till the latter end of the fourteenth century, above a hundred years after the first appearance of the Commons, that the power of legislation was distinctly assumed by Parliament. Sir, this is very gentle progress (hear). I agree with the opinion expressed by the hon. Native Minister that institutions of a definite legislative character would with difficulty be made to flow into those which we are blessed with ourselves, and which we must desire should be the only permanent ones in the land. With respect to the second broad division of the propositions before the House, those referring to the Departmental Government of the Natives, I see two alternatives. If the proposed Council is merely to be a consultative body, it appears to me in itself harmless, but with little or no value. It only gives form to that which already exists. The Native Minister who is to have a voice in this Council does at present advise his Excellency. The "Periti" so often referred to are not only consulted frequently in a formal manner, but their advice is always invited, and they freely exercise the privilege of expressing their views by protests whenever any action of the Governor displeases them. Nor do I see, as the native policy is not a matter of secresy, that anything need prevent their tendering positive advice. In the third element in the board—the working man—it is impossible not to see the figure of one or another of the able gentlemen who now manage the Native Office. The Council will then only give form to the present order of things, but in no way change it. That order did not emanate from this House, and I think that the House will do wisely to abstain from interfering to sanction any change which does not give us any additional power, but which, as the hon. member for Wairau has judiciously suggested, may be held to give some additional responsibility. But, Sir, if the proposition of the hon. member is for a Council with substantial powers, whose decisions must guide the Governor, and which is to be entrusted with the administration of a loan raised by this house, the proposition appears to me to be one of a very dangerous character. I trust the House will not hurriedly consent to any cession of its powers that it cannot at a moment revoke. If we are of opinion that it is inexpedient, or that we are incompetent to use our powers on these questions, we can let them lie in abeyance, and, without ceding them, forward the action of the Governor. I desire the House to use its powers with modesty and caution; but looking at the character of the advice contained in the memoranda from several of the "Periti," who, from their position, and in respect of the interest they have shown in the native race, claim to guide the native policy of the Government, I cannot think the House justified in surrendering any power which is vested in it by the Constitution (hear). Respecting the third branch of the hon. member's propositions, that referring to the native lands and the appropriation of the land fund, I will say nothing now. The subject is one that may fairly be discussed in committee on the basis proposed by the hon. member. They involve no large principle which this House would divide upon. But I must observe that if the claims of the Natives to distinct legislative power is admitted by the hon. member, he should reserve legis-

lation on these matters to be initiated by them, or, we may have very early an example of a collision in the exercise of those powers, which, once grasped, are not often willingly surrendered, and the extent of which may very easily be misunderstood by the native race. I observe the resolutions moved as an amendment by the hon. Native Minister conclude with one which I think in the order of importance should have been the first. It is this :—"That the best devised "measures for ameliorating the condition of the "Maori people and for maintaining the peace of the "country must fail of effect unless the authority of "the law is supported by a sufficient military and "naval force; and that strong representations to "this effect ought to be made to the Imperial Go-"vernment." With all deference to the feelings of the hon. member for Auckland City (Mr. Williamson), I must express cordial assent to this proposition. Legislation is mere trifling unless backed by power; the sincerity of our good intentions towards the Natives need this evidence; this should never be lost sight of by the House. In conclusion, Sir, I beg of this House to be very cautious in surrendering any of its powers into the hands of persons whose views are so unpractical as those expressed in the memoranda of Bishop Selwyn, Dr. Martin, and the Hon. Mr. Swainson. Their propositions would not only be distinctly fatal to those whose benefit is sought by them, but tend, as, I am sorry to say, too many of the acts of equally well-intentioned persons have done, to breed mutual distrust and jealousy between the two races (hear).

Mr. D. Bell would have been content to give his vote without remark but for an expression which fell from his hon. friend the member for Christchurch—that this debate wore the aspect of a sort of duel between himself and the Minister for Native Affairs. It would be an unfortunate thing if the House were to go into committee on these resolutions, with the feeling that they were to be seconds in that duel (hear). At the same time he must do his hon. friend the justice to say there were some grounds for that expression. In the commencement of the session, there was a very general desire for a definite statement of Ministerial policy; and he (Mr. Bell) was fully convinced that it was mainly because the Government had not done so that the hon. member had brought forward his statement. At the same time it was an unfortunate position for a private member to be placed in;—[*Mr. Richmond* repeated his explanation as to the mode and order in which he would bring forward his statement of Native policy.]—but when Ministers brought down their scheme of policy, as they had now done, then he thought his hon. friend (Mr. Sewell) should have withdrawn his resolutions and allowed the discussion to take place on those of the Government—[*Mr. Sewell:* I should have done so but for the tone adopted by the Native Minister.]—He (Mr. Bell) could not, however, overlook the fact that when these resolutions were brought forward his hon. friend had launched forth a series of anathemas at the Ministry on account of their Native policy, which led to the reply from the Native Minister. The consequence had been that we had had two schemes of policy laid before us, and thus the matter had for the time assumed the character of a sort of duel. He could hardly conceive his hon. friend (Mr. Sewell) would ask the House to vote for his resolutions against those proposed by the Government (hear). As to the Native Board, he never understood that it was proposed to the House to abdicate its functions. (Hear, hear.) Mr. Swainson, in his memorandum, expressly stated, that as the Imperial Government had taken charge of the Natives, it was bound to see that charge carried out; that it was bound to provide some machinery for that purpose, independently of the Colonial Government. What the Imperial Government itself had done might be well seen in Lord Carnarvon's despatch: it was simply nothing; and he (Mr. Bell), thought he should be able to show on some future occasion, that a great deal of the blame which had been thrown on Sir George Grey by some hon. gentlemen, had been very unjustly cast upon him. (Hear, hear.) When New Zealand was first colonized, the Imperial Government imposed no restrictions on the Colony with respect to Native matters; but when we had got representative institutions, and the General Assembly proposed some plan of legislation for the Natives, then the Imperial Government stepped in and objected; and such it seemed to him was the course the Home Government would always pursue with regard to native affairs. (Hear.) If the Imperial Government would fulfil the obligations it had taken upon itself, well and good; but if in the despatches we heard might be expected by the next mail, we were told that we must take the responsibility for the management of Native matters upon ourselves, then he did not for a moment believe, that the Assembly would be a party to a scheme of policy, one main feature of which would be the institution of the proposed Native Board. (Hear.)

Mr. Gillies considered that this debate was on the question, whether the general principles of the one set of resolutions or of the other should be adopted. He did not see any great leading principles shadowed forth in either set of resolutions; but he thought Mr. Sewell had done good service in bringing forward his propositions in a systematized scheme, instead of the skirmishing order in which the House had had the Ministerial policy set before them. This had led to a fuller scheme of Government policy being placed before them, so that now we had something like a definite policy brought under our notice. But while he (Mr. Gillies) thanked Mr. Sewell for what he had done, he did not feel inclined to vote for his (Mr. Sewell's) resolutions in preference to those proposed by the Native Minister. If we measured them by that rule, referred to by an hon. member, as obtaining in another House, we would find that there were twelve heads in each; but the Government resolutions were nine lines longer than Mr. Sewell's, and had two more particulars in them. (Laughter.) There were nine points in which these resolutions were nearly agreed; the difference was chiefly in the mode of putting them, or perhaps a question of elegance of phraseology. But on two points they differed considerably. [Here the hon. member contrasted section 11 in Mr. Sewell's resolutions, with section 8 in Mr. Richmond's:—the one advocated immediate legislation; the other said, "Don't legislate, pending the result of the reference "made by the Governor to the Secretary of State for "the Colonies."] He (Mr. Gillies), was rather inclined to agree with Mr. Sewell on this point; there had been something too much of this fear of the Home Government (hear); and he believed if we legislated with an honest desire to improve the condition of the native race, and carried judicious measures, the Home Government would never dare to throw us overboard. There was another point on which these two sets of resolutions differed: Mr. Sewell's (section 4) proposed to establish a general Native Council, with a legislative character, and (section 5) to empower the Governor to establish subordinate Native Councils, with legislative and executive powers. On the other hand, the Government resolutions (section 6) expressly provided against the establishment of such Councils, until the measures already taken towards the introduction of settled forms of civil government amongst the Natives, had shown that such legislation would be safe and beneficial. He could not agree with Mr. Sewell that the Natives were yet "ripe for the "exercise of self-government;" and he could not but look on the Native Board proposed by Mr. Sewell, as a surrender of an important portion of the functions of this House. If advice were to be given to his Excellency on native matters, let it be given by his responsible advisers, not by the *Periti*, of whom they had heard so much. (Hear, hear.) Then there was another point, contained in the last of Mr. Sewell's resolutions, in which he could not concur; he did not like these loans. (Laughter.) He remembered how badly those "rapacious Caledonians" of the South

whom he represented, came off on the last loan; they did not get the lion's share by any means, though they had to bear the greatest share of the burden. He thought the Government had marshalled their resolutions in the best form. Mr. Sewell had put his strongest resolutions first and last, and both were most objectionable. He approved of the last of the Government resolutions, which stated that no measures for ameliorating the condition of the natives and maintaining the peace of the country could succeed unless the authority of the law was supported by a sufficient military and naval force; and this he considered to be at the foundation of all legislation, that the people, whether native or European, be taught to obey the law. We have to enforce obedience on our children not necessarily by *using* force, but by having force ready to back authority, and we must be able to say to the natives, "These laws are right and just, and "are for your benefit, and we are prepared, *if need be*, "to enforce them for your good." (Hear, hear.)

Mr. Stafford briefly addressed the House, remarking on the somewhat denunciatory tone in which Mr. Sewell had spoken at the Ministry. He exonerated that hon. member from any hostile intentions against the Government, but he would wish him to be more frank and to give fuller explanation of his policy in his reply. What were to be the functions of this Native Board—how was it to be worked—and what was to be the position of the Native Minister in reference to that Board? [Here the Hon. Colonial Secretary described the present system of administering Native Affairs.] It seemed to him that the proposed Board would be, in fact, an enlarged Native Department—irremovable except by address from both Houses of Legislature. Then was this Board to have the sole control of the money which came into their hands—to whom were they to be responsible (hear)? He hoped Mr. Sewell would answer this question also. [We understood Mr. Sewell to explain that the Board could only expend money as voted by the House.] He (Mr. S.) was glad to hear this, for he had in vain sought an explanation in the speech delivered by his hon. friend the other day. Then were those Councils to be Legislative bodies? [*Mr. Sewell:* No, not yet.] He (Mr. Stafford) so understood his hon. friend. The hon. member concluded by warning the member for Christchurch of the futility of expecting by any cast-iron machinery at once to change the social habits of the Maories—to induce them to give up their *whare-punis*, their communism, and various other matters which had a great deal to do with the present disturbances that had had such a disastrous effect on the peace and prosperity of the Colony.

Mr. R. Graham thought the House very much indebted to Mr. Sewell for having drawn the badger (laughter). Before his resolutions were laid before the House, no information could be got as to the views of Government. The Colonial Secretary had taken exception to one of the best features in Mr. Sewell's scheme—the institution of a Native Board. We ought not to be left to the mercy of a fighting Minister or a fighting Government. We might turn out this Ministry to day and to-morrow we might have a peace Ministry; but unless we had some permanent Native policy irrespective of our party politics and quarrels, we could feel no security as to the peace of the Colony. There ought to be one member of that Board appointed and responsible to this House. Had this been the case, had there been but one individual thus really responsible for the advice he gave, he would have said, before advising his Excellency to enter upon this war at Taranaki, he would have said "I am responsible to the House of Representatives, "and I cannot advise your Excellency to take such "proceedings" (hear). He could not agree with the fourth of Mr. Sewell's resolutions, for he thought we should draw the Natives as much as possible to obedience to our laws, instead of encouraging them to indulge in separate legislation (hear). We ought to draw up a code of laws for them, and communicate them to the Chiefs for their opinion; we should thus obtain all the information we required. He disapproved of the proposition for periodical conferences; he disapproved of the Kohimarama Conference; the more we drew the Natives together the more unanimous in purpose we should make them. What the Natives wanted was laws; and it was the want of this that had led to the king movement; he thought the Government very much to blame for not having seen to this before. The present system of purchasing Native land was bad—bad before, worse now. Government should not buy any land—all land should be purchased by individuals. Any system of laws that might be devised must be framed for the benefit of both races; we must seek to govern the Natives through their own co-operation; we must ask the ideas of the Natives on these matters, and this he (Mr. Graham) thought would prove the means of satisfying all parties.

Mr. Sewell, in reply, regretted the tone of the remarks of the Native Minister. He (Mr. Sewell) had expressed himself strongly against the policy of the Government, but had abstained from all personalities. He would not, however, on an occasion so important as this be led into retaliation. He thought the view taken by the member for Dunedin (Mr. Gillies) upon the question before them, namely, which set of Resolutions should form the basis of consideration, was correct, and according to his (Mr. Gillies') view, it was right that that gentleman should give the preference to those proposed by the Government; but he (Mr. Sewell) thought that under any circumstances, the Government, having now embodied their policy in the distinct form of Resolutions, were entitled to precedence. He should therefore, with the leave of the House, so alter his motion as to allow the Government Resolutions to become the basis for the Committee instead of his own; and in committee he (Mr. Sewell) could propose such alterations as he pleased; so raising the various points at issue. In their main features the two schemes agreed; though in addition to the points of difference, mentioned by Mr. Gillies, he (Mr. Sewell) could point out some others. He (Mr. Sewell) considered that so important a measure as the proposed Convention of Native Chiefs at Kohimarama next year, ought to be grounded on an Act of the Legislature, and not merely on the action of the Executive Government. He agreed so far with the Native Minister, that the constitution and management of such a Conference might be left almost entirely to the Executive Government, and he would readily join in giving the Government all requisite powers of the kind—but, he reminded the House, that such a Conference was an initiatory form of Legislation, and ought to be held under sanction of an Act of the Assembly—upon a Bill brought in in a regular way, and which both Houses of the Legislature would have the opportunity of considering deliberately. He objected to basing so important a step on a mere vote of a single branch of the Legislature, without the concurrence of the Legislative Council. As regards the formation of District Meetings of Natives as proposed by him (Mr. Sewell), he treated the District Regulation Act, 1858, as wholly inoperative, and he reminded the Native Minister, and those who argued that the Natives were not yet ripe for further institutions, such as he proposed, that they had to deal with the fact—actually existing—that the Natives were forming such institutions for themselves; and unless the Government took them in hand, and gave them right direction, they would be sure to grow into a hostile form. As to the Land question, he (Mr. Sewell) objected to the proposal of the Government that we should wait till we heard from Downing-street. That was a mere excuse for delay. But he pointed out the inconsistency of so resolving—and then proceeding immediately to determine by mere vote of the House, that the Government should do what could not be done without Legislative sanction, namely, accept the cession of Native Land upon terms in direct contra-

vention of the provisions of the Constitution Act and existing laws. He (Mr. Sewell) agreed in a general way with the Government, as to the principles laid down in the Government Resolutions, on which Native lands were to be administered, though he recognized a great change of opinions since the time when he (Mr. Sewell) was one of their body, and he should be ready to join in enabling the Government to do by law what they proposed to do,—upon a Bill to be brought in regularly for the purpose. On one point, however, he differed as to the application of the Land fund. He (Mr. Sewell) proposed that one of the objects to be provided for out of the Land fund should be the social advancement of the Natives, so offering them a great inducement to cede their lands. To raise the Natives from their present condition to that of civilized settlers would be equivalent to doing the direct work of Immigration, and would so form a legitimate part of a plan of systematic colonisation. As regards the proposed Board of Management of Native Affairs, the case of the Indian Board was not, as justly remarked by the Colonial Secretary, an exact parallel to that which he (Mr. Sewell) proposed. He adduced it as illustrating the necessity in dealing with a people so entirely alien to ourselves—of placing in the management of their affairs persons specially conversant with them. As regards the action of Responsible Ministers on such a Board—one of the Ministers being a member would sufficiently convey to it the views and wishes of the Ministry. As regards money—he did not propose to interfere with the power of the Legislature to make provision for it, as for any ordinary department of the Government, nor would he take from the Legislature the power of controlling the application of any loan which might be raised.—Mr. Sewell concluded by appealing to the House in vindication of the course he had taken whether it had not been provoked by the reticence of the Government as to their Native policy. He concluded by moving that with the leave of the House, the notice standing in his name, be so altered as to admit the Government Resolution, as the subject for committee, instead of the Resolutions proposed by him (Mr. Sewell).

It was arranged that the amendment proposed by the Native Minister should be formally put and carried.

NATIVE POLICY.

Extracted from the "New Zealander" Newspaper, dated Auckland August 22, 1860.

The House then went into Committee on the Resolutions on Native policy, moved by the Native Minister.

Mr. Sewell said, before he proceeded to move the amendments, with which he was prepared, and of which he had furnished copies to the Ministers and other members, he desired to state the course he meant to pursue. Considering that the responsibility of the management of Native Affairs must rest with the Government, he should not press any of his amendments which the Government might decline to accept. At the same time he earnestly trusted that the Government would allow them to be freely discussed in Committee, and would defer to the opinion of the Committee if distinctly expressed upon them.

The Native Minister said that he would go into the consideration of the resolutions and proposed amendments in the spirit indicated by his hon. friend, though as to some of the amendments proposed, he and his colleagues would decline positively to accept them. He referred in particular to the establishment of a Board or Council for the management of Native affairs.

Resolution 1.—That it is just and expedient to extend to the aborigines of New Zealand the advantages of Civil Government with the least possible delay. Agreed to without discussion.

Resolution 2.—That institutions for the Native people ought to be based upon their free assent, and be committed to their guardianship. The institutions ought also to be in harmony with the other institutions of the Colony, and adapted ultimately to merge therein. Moved by the Native Minister.

Mr. Sewell said that he would suggest a verbal alteration of no importance. He desired to omit the words, "based upon their free assent, and to be committed to their guardianship" as having no definite meaning, and that they should simply resolve that such institutions "should be framed" in harmony, &c.

The Native Minister (Mr. Richmond) objected to the proposed omission. After a short discussion, in which the Native Minister and Mr. Sewell alone took part, the proposed amendment was put and negatived.

Resolution 3.—That this House approves of the course taken by his Excellency the Governor in summoning a general meeting of Native chiefs to confer with his Excellency, and to deliberate upon subjects affecting the interests of the aborigines. This House also assents to his Excellency's proposal to convene another such meeting in 1861, in order that it may be determined, amongst other things, whether similar assemblies ought to be periodically held.

Mr. Sewell would first move an alteration in the latter part of the Resolution. He agreed in the propriety of holding the Conference just over, and also that it should be repeated next year, but he objected to leave it to such a Conference to "determine amongst "other things whether similar assemblies ought to be "periodically held." He proposed that the Resolution should be so altered as to declare the object of the Conference of 1861 to be the same as that just held, viz., to confer and deliberate upon subjects affecting the interests of the aborigines. No doubt one of those subjects might be the question of holding periodical Conferences. He also proposed to add to the Resolution a declaration of their readiness to pass an Act to authorize the Governor to convene such a Conference. In his opinion such a convention ought to be sanctioned by an Act of the Legislature. Admitting entirely the wisdom and propriety of the step taken by the Governor in convening the past meeting, he did not consider that in strictness his Excellency could summon Native Conferences of this description of his own authority. He objected to proceeding in so important a step by mere Resolution without ensuring the concurrence of the other branch of the Legislature. He thought that the proper course would be to proceed by Bill regularly introduced, in the various stages of which they would have an opportunity of considering the measure with requisite deliberation. Should such a Bill be introduced he desired to see provision made for two things. First, that the Legislature should in some way, as far as possible, be apprized before hand of the subjects to which the attention of the Conference would be invited, which could be done by message from his Excellency. And then that immediately on the next meeting of the Assembly they should have the proceedings of the Conference laid before them without delay. He referred to the gravity of the questions dealt with by the Conference as he gathered from the public press, for as yet the House had not the papers before them. He pointed out the inconveniences or dangers which might result if proposals were made to the Natives of a character which they might be ready to accept, but which the Legislature might not effectuate. That could only be avoided by bringing the two bodies *en rapport* with each other.

Mr. Dillon Bell urged the necessity of carefully considering the nature and constitution of the proposed Conference of 1861. The conference just held could not be regarded as of a Representative character, or only those chiefs had been invited who were known to be friendly. And some influential chiefs who had not received invitations had taken umbrage at their omission. He did not, however, attribute that to the Government as a fault; it had arisen from the necessity of circumstances. Various causes had prevented the attendance of many chiefs of importance; for instance, the war and the prevalent influenza. He considered that the Conference just closed had produced a very salutary effect, and that no other man than Mr. McLean could have brought about such a gathering of chiefs from all parts of the Colony. He did not think it necessary to pass an Act to authorize its repetition. It would be sufficient for the House to express its assent by resolution.

The *Native Minister* said that the proposed omission entirely fell in with his own sense of what these Resolutions should be. He perfectly agreed that we ought to proceed with the greatest possible caution. It would be the object of the Government to give to the next Conference as much of a representative character as possible. And he would introduce words to that effect into the resolution. He did not accede to Mr. Sewell's proposition that an Act of the Legislature was necessary to authorize the convention of such a meeting. The Governor was entitled to call together any number of Native chiefs to confer with him as to Native affairs, as had been done by his predecessors. But inconveniences might result unless some provision were made against a conflict between such a body and a Legislature. As regards the power of the Legislature they might exercise control through their power over the public purse. It was their business to vote the requisite funds. And they might append conditions to their vote, though he considered it too late now to clog the vote they had already come to, with conditions to be imposed on the Governor.

A general discussion ensued, in which Mr. Heale, Mr. Gillies, Mr. Fox, Mr. Brandon, and Mr. J. Richmond took part. It terminated by a promise on the part of the Native Minister that the money vote for the expenses of the Conference should be made the subject of a separate Bill, distinct from the Appropriation Bill, and that then the whole subject might be open for consideration. The formal alteration proposed by Mr. Sewell in the latter part of the resolution was agreed to.

On reading the Resolution 4—"That the Native Districts Regulation Act, 1858, is a measure framed in practical accordance with the principles above laid down, and that no further legislation is required to supply the present wants of the Native people in the way of local legislation."

The *Native Minister* said, that he had formed this resolution as opposed to Mr. Sewell's resolutions, but which were now withdrawn. He did not, however, think it necessary to press a mere negative proposition to which no practical importance could attach. He therefore moved that the resolution be omitted.

Mr. Sewell said it had been his intention to move the omission of this clause, and insert the following:—

"That in order to give practical operation to the Native Districts Regulation Act, 1858, it is expedient that the Natives should be convened in public meeting in districts to be brought under the operation of such Act, in such manner as the Governor may think fit; and that such meeting should be constituted in such manner as the Governor may think fit, and should have the power of recommending to the Governor such regulations for the management of the Native affairs of the district as to them may seem fit; and the House will be ready by Act to vest in the Governor the requisite powers of convening and constituting such meetings."

A long and animated discussion took place, in which the Native Minister, Mr. Sewell, Mr. Dillon Bell, Dr. Monro, Mr. Fox, Mr. Carter, Mr. Moorhouse, Mr. Williamson, and Mr. Gillies, took part.

The *Native Minister* insisted that the Districts Regulation Act 1858, was sufficient, so far as legislative enactment went, to meet all the requirements of the case. It is directed that the Regulations to be brought into force under that Act, should be with the assent of the Native inhabitants, to be ascertained as the Governor might think fit. Practically it was intended to bring the Native inhabitants together for the purpose intended by that Act, and they would thus have necessarily the opportunity of expressing their minds and making their wants known. He placed no reliance on mere legislation. The great practical difficulty of the Government was the want of men. Give him properly qualified men and he would at once get rid of the difficulties which beset the question of Native Government. He suggested an amendment on Mr. Sewell's amendment as follows:—

"That it is expedient that meetings of the Natives resident within the districts constituted under 'the 'Native Districts Regulation Act, 1858,' shall be convened under the authority of the Governor for the purpose of recommending regulations to be put in force under the said Act."

This amendment, as he had already stated, over and over again, only put in words what was actually the intended working of the "Native Districts Regulation "Act." No one ever dreamed that the Act would or could be worked without the Runanga.

Mr. Sewell insisted that the Native District Regulations Act had been practically inoperative; indeed was admitted to be so. He argued that it would continue to be so, unless some precise and definite effect were given to the powers of the Native people of meeting and deliberating in their local Runangas about their local affairs. He reminded the Committee, that the Natives were actually organizing institutions of this kind for themselves, and unless the Government at once took them under its own guidance, they would be sure to assume a hostile form. The provisions of the Act of 1858, were far too vague. They merely required that the assent of the inhabitants should be obtained in any way the Governor might think fit, to the regulations made by the Governor in Council. He went much further than this, he expressed strongly his opinion that it was essential to vest in the Governor express powers for convening meetings of the Native inhabitants, not limited, as proposed by the Native Minister, merely to expressing their assent to regulations proposed to them by the Governor, but with power to deliberate and recommend to the Governor what other regulations should be put in force, and generally to express to him their wants and wishes as to the local affairs of the district.

Dr. Monro expressed himself unfavourably to undertaking any express legislation on the subject, and was satisfied with the Government resolutions.

Mr. Williamson (Superintendent of Auckland), was of opinion that such a measure as that proposed by Mr. Sewell would be highly beneficial, and that it should be the subject of distinct enactment.

Mr. Carter said that as representing a Native district, the Wairarapa, he concluded that local meetings of the Natives to consider their local wants were absolutely needed, and that they should be legalized by formal enactment. Without that he should not feel inclined to support Mr. Sewell's proposition.

Mr. Gillies expressed himself decidedly favourable to the general object of Mr. Sewell's amendment, but doubted whether express legislation was necessary. He disliked incumbering the Statute Book of the Colony with unnecessary laws.

Mr. Moorhouse (Superintendent of Canterbury) supported Mr. Sewell's amendment.

Mr. Sewell's amendment was put and carried upon division. The numbers being:—For the amendment, 14; against 11.

Resolution 5 was moved: "That the House ap-

prove of the division of the purely Native Territory into Districts, under the before-mentioned Act; and of the appointment of one or more Chiefs in each District as representatives and agents of the Government."

This resolution was agreed to with some verbal alterations, and with the substitutions (proposed by Mr. Sewell) of the words, "As organs of communication with the Government," for the words, "as representative and agents of the Government."

This resolution and the last were transposed.

Resolution 6 was moved: "That this House, whilst anxiously desiring to prepare the way for the admission of Natives to the full privileges of British subjects, will not approve of the formal constitution of legislative bodies, consisting exclusively of Natives, unless the result of the measure already taken towards the introduction of settled forms of local government amongst the Natives shall establish that such legislation would be safe and beneficial."

The *Native Minister* said that, this being a mere negative resolution combating propositions which had been withdrawn, he should not press it, and it was accordingly withdrawn.

Resolution 7 was moved, "That the gradual extinguishment or commutation of the Native territorial rights by Maoris, consistent with the recognised obligations of the Crown, and on principles adapted to secure the permanent well being of the Natives is essential to the peace and prosperity of the Colony, and to the further progress of Native race itself."

Mr. Sewell moved the omission of this resolution, with a view to insert the following: "That the House recognizes in the fullest extent the territorial right of the Natives, whether Chiefs, or people, as guaranteed by the Treaty of Waitañgi." Mr. Sewell objected to the 7th Resolution. It was in itself a proposition without aim, merely affirming what in one sense every body assented to as a general principle, but it was objectionable as carrying on its face an apparent desire to get possession of Native lands, which the Native would misunderstand. He urged, on the contrary, that it was right for them to declare in a series of resolutions of this nature, embodying a whole scheme of Native policy—in clear and unmistakeable terms—their adherence to the engagements contracted by the Treaty of Waitangi. It was the more necessary to do so, because the intentions of the Government had been misunderstood as regards the rights of the Plaintiff. He (Mr. Sewell) fully acquitted the Government of all intention to encroach on those rights; but the present was an occasion for making a formal declaration to that effect. As regards the treaty of Waitangi, it would be necessary to discuss its precise interpretation. Whatsoever engagements we contracted under it, those we ought to observe. The present resolutions, though doubtless meant as rules to govern our own proceedings, would be read by the Native people as a kind of manifesto on our part of the policy we intended to pursue towards them. He also urged that as the Governor had thought it right to make a declaration of this nature provisionally to the Natives in Conference at Kohimarama, it was incumbent on the Legislature to make a like declaration on their part.

The *Native Minister* did not think either the resolution proposed by himself or Mr. Sewell's amendment, material. They both expressed general principles which nobody was prepared to dispute. He disliked the repeated reference to the Treaty of Waitangi. Such reiterated declarations that we meant to abide by it sounded as if our intentions were really open to doubt. The treaty itself was ambiguous, and it was impossible to attach precise meaning to any declaration we might make as to observing it. But as it had been proposed, he should certainly not vote against it, such a vote would be open to obvious misconstruction.

Mr. Weld referred to the address issued by him to his constituents at the Wairau, and took the opportunity of expressly disclaiming any such views or opinions as those imputed to him, namely, that he contemplated interfering with the proper and legitimate rights of tribes or Chiefs over their lands. He had only declared himself hostile to the usurped authority set up by the Chiefs like William King, who asserted control over lands of other Natives.

Mr. Dillon Bell pointed out the ambiguity in the wording of the Treaty of Waitangi.

Mr. Fox argued in support of Mr. Sewell's amendment. He thought the 7th Resolution proposed by the Government was open to great misconstruction by the Natives, who would read it as expressing a desire to get at their lands. It would be scarcely possible to translate the Resolution into Maori without conveying that meaning to their minds. As regards our declaration that we meant to abide by the Treaty of Waitangi, he thought the occasion demanded it; and the interpretation to be put on that Treaty ought to be in the sense in which it was understood by the Natives, the weaker and less intelligent party, at the time the Treaty was entered into.

Mr. Fitzherbert supported the same view.

Some hon. members took part in the discussion.

Mr. Sewell's amendment was adopted.

Resolution No. 7 was put and carried without division.

The Committee then proceeded with the 8th Resolution.

Mr. Daldy moved its omission. After speaking for a short time, it was evident that the Committee desired to adjourn; accordingly the hon. member gave way. The Chairman reported progress, and asked leave to sit again on Tuesday; and the House adjourned about 10 p.m.

Extracted from the "NEW ZEALANDER" Newspaper, dated Auckland, August 29, 1860.

The House went into Committee for the purpose of further considering the resolutions of the Native Minister.

Resolution 8.—"That pending the reference lately made by his Excellency the Governor to the Right Honorable the Secretary of State for the Colonies on the subject of the extinguishment or commutation of Native Title, it is inexpedient to attempt legislation on the subject in the Colony."

The *Native Minister* said he should not object to withdraw that resolution.

Resolution 9 read, viz, "Nevertheless, pending such reference, this House will approve of the acceptance by the Governor, with the advice of his Ministers, of the cession of Native Territory, upon special terms providing for all or any of the following objects, viz:

"*a.* The Regrant by the Crown to the ceding parties either gratuitously or otherwise, of portions of the ceded territory, either with or without restrictions upon alienation.

"*b.* The setting apart of sufficient Reserves for the benefit of the aborigines in general or of the ceding parties in particular, and of sufficient reserves for any purpose of public utility.

"*c.* The sale and disposal of the residue of the ceded territory according to a regular scheme of settlement under regulations to be made and issued in such manner as shall be provided by the Deed of Cession.

"*d.* The disposal of the proceeds of sale in defraying the cost of laying out the District for settlement, —in repayment of moneys advanced for the extinguishment of Native title,—in annual or other periodical payments to the ceding parties or others, stipulated for by the Deed of Cession,— in the execution of public works within the District,—in the Endowment of Educational and other institutions,—and in promoting Immigration.

—"And subject and without prejudice to the lien of

the English Loan of £500,000, this House will ratify and give effect to any such arrangement."

Upon which *Mr. Daldy* moved the following amendment :—

"This House will approve of the acceptance by the Governor, with the advice of his Ministers, of the cession of Native Territory upon special terms, subject and without prejudice to the lien of the English Loan of £500,000 ; and this House will ratify and give effect to any such arrangement.

"I. That in the settlement of Waste Lands, over which the Native Title has not been extinguished, the real interests of the Aboriginal owners should be matter for primary consideration.

"II. That such a portion of their own land as is necessary for their use and support should be secured to them, and made inalienable under Crown title.

"III. That ample reserves should be made in each district for education and other purposes, exclusively for the Maori race.

"IV. That such land as is requisite for their own uses being secured inalienable, and the necessary reserves made for educational and other purposes, exclusively for the Native race, in districts chiefly occupied by Europeans, well ascertained Native title to land limited in extent by fixed rules should be entitled to the waiver of the Queen's right of pre-emption in favour of individual holders or purchasers, and grants be issued when all Regulations have been complied with and legal payments made, thereby enabling them to enjoy the full rights of property.

"That the Governor in Council be empowered to make regulations for carrying out the above resolutions.

"That in districts specially proclaimed for the purpose the Governor should be enabled to accept land, and cause it to be sold by auction for the benefit of the Aboriginal owners.

"That the Governor in Council should be empowered to borrow money for the foregoing purposes and for the laying out and preparing settlements, the same to be a lien upon the land acquired from th Natives, that these objects should be secured in such a manner that no pressure on the local Government should prevent their being attained and maintained."

Mr. Sewell proposed to make the following amendments in the Government resolutions :—

"That is the first line the words 'Nevertheless pending such reference this House,' be omitted, with a view in lieu thereof to introduce the following words, 'That as far as the law will permit, and without prejudice to any lien for the English loan of £500,000 in this House.' In the 3rd line to introduce after the word 'providing' the following words, 'in manner to be defined by Act of the Assembly.'—In sub-section '*d*.' in the sixth line, to move the omission of the words, 'And in promoting Immigration,' with a view to introduce the following words, 'In the social advancement of the Natives, and in generally promoting the colonization of the Waste Lands in such District and that an Act should be passed for that purpose.' At the end of the resolution, to omit all the words in the last two lines."

After some discussion as to the proper order of moving the respective amendments,

Mr. Daldy proceeded with the first clause of his proposed amendments. With the first he thought no one would quarrel, nor with the second ; nor was there much division of opinion upon the third. The fourth contained the real question. By giving effect to the plan indicated in this clause, we should enable the Maories to enjoy the full rights of property which all desired. It contained this principle, that lands might be conveyed from Natives to Europeans directly. This was not conferring a boon, but acknowledging a right which sooner or later must be conceded. Such a system would be valuable as bringing the two races together under one law. The Natives at present regarded the Crown as the purchaser of their lands. They regarded the person who paid them money for their land as the real purchaser, and it was expedient that the Government should no longer stand to them in that light, and that with this view they should set aside the intermediate agency of the Government. The satisfactory working of that system had been exemplified in the Northern Island when the Crown's right of pre-emption was waived by Governor Fitzroy. With regard to the present system every one had come to the conclusion that it could exist no longer. He found from returns laid before the Provincial Council of Auckland, that the cost of working the present machinery was 45 per cent. of the money expended. The Governor and his Ministers were at variance on this point. He (Mr. Daldy) desired that they should carry out his Excellency's views, which were sure to be accepted by the Home Government. If they continued twelve months longer to carry on the present system without amending it by legislation, they must continue in war. If it ceased at Taranaki it would break out elsewhere. He reminded the Committee of the words of a Chief at Kohimarama who said, That he had asked every Governor in succession for payment for land which had been taken from him—that he had been disappointed, and should now appeal to the Queen. That clearly showed that he had no confidence in the present rulers. He had heard a good deal of talk about the danger of exposing the Natives to the land sharks. In his (Mr. Daldy's) opinion, if there were one thing more than another which would civilize the Natives, it would be to let them sell their lands freely in open dealing with the Europeans.

Mr. Sewell thought that the business of the Committee was much simplified by the course taken by the Ministers. They had, he understood, acceded to his proposed amendments, and had undertaken to bring in Bills to effectuate the intended objects. On those Bills coming before them in due course, they would have an opportunity of considering them in detail. With respect to Mr. Daldy's resolutions, he approved of the first, second, and third,—and he would like to see them incorporated in the series. But it appeared to him that when the Bills were introduced, which the Native Minister had now undertaken to do, for giving effect to these resolutions, Mr. Daldy would then have an opportunity of inserting clauses to meet his object. He admitted that in some form or other it might be desirable, under fixed conditions and subject to Government supervision, to permit dealings for land between individuals and Natives, and if any proposal were made of this kind, properly guarded, he (Mr. Sewell) for one would assent to it. These, however, should only be exceptional cases. He (Mr. Sewell) saw no objection in the 11th Resolution. It appeared to him contained in the 9th, except as to the tax, to which he objected. As regards lands granted to individual Natives as their own, he objected to laying on them a transfer tax, which diminished or destroyed the marketable value of their land. It was very well to argue that the money paid would be laid out in improvements. That argument the Natives would not understand. As to the great surplus Native estate, not required by the Natives themselves, that ought to be the subject of systematic colonization. The Native Minister had charged him the other day with having rummaged the Ministers' drawers and stolen their ideas. The fact was that neither Ministers nor himself had originated any new ideas upon the subject of systematic colonization. The principles of that system were perfectly well understood and were of old date. But as regarded their application in the present case he now, for the first time, saw them recognized by Ministers. He had entertained these views for some time. On his return to the Colony in 1859, he had felt the necessity of grappling with the subject without delay, and since no one else would approach it, he had made the attempt, and embodied his views in the heads of a Bill printed on the papers of the session. But these views at first found no favour with his Ministerial friends. The heads of his Bill were dated, as would be seen, in July 1859. And

it now appeared that in September 1859, the Ministers had adopted the same principles, and embodied them in a Bill which was now laid before the House. The resolutions now proposed by Ministers embodied the same general idea—the only difference between him and the Ministers was that he (Mr. Sewell) included, as one of the main features of his plan for colonizing the waste lands of the Natives—provision for the social advancement of the Natives themselves—the great boon offered to the Natives, and which we must trust to as a main inducement to them to cede their lands for the purpose of colonization. He was glad, however, that his friend the Native Minister had consented to the proposed amendment to provide for this object, which, however slightly it might be treated, appeared to him (Mr. Sewell) of the greatest importance. He admitted that at first the Natives might not appreciate the benefit offered them; that may be a work of time; but he relied with implicit confidence on their sagacity and good sense ultimately to recognizing its advantages.

The *Native Minister* said that in charging the hon. member with rummaging the Ministerial drawers, he had referred, not to the Land question, but to the measures of 1858, relating to the Civil Government of the Natives.

Mr. Sewell.—That was a totally different matter; he had, then, been led into a mistake. He wished in conclusion to ask one question. The resolution proposed by the Native Minister expressed on its face that the Governor's power was to be exercised with the advice of the Executive Council. He wished to ask whether, in case the House agreed to the resolution, they might rely on the Governor giving effect to it with this condition.

The *Native Minister* replied that his Excellency had intimated to him that he approved of that resolution.

Mr. Dillon Bell said:—The Committee would hear that explanation with great satisfaction. They did not want to come to a dead-lock as they did last session. It would under those circumstances be the duty of the Committee to support the Government proposal. With regard to the Title of the Natives it would be impossible for us to lay down any fixed rule, as to what quantity or proportion of land should be reserved for Native purposes. He did not understand what was meant by the division of land into what was wanted for the Natives and what for Colonization. It was not sufficiently admitted that the proprietorship of the land vested in the Native owners—and if we persuaded them that it would be for their benefit to sell their surplus land, they would sell—but not if they thought such sale would be for our advantage only. He would like to know what the hon. member (Mr. Daldy) meant by his proposition. They wanted evidence as to the operation of the waiver of the right of pre-emption in the time of Governor Fitzroy. It did not follow that because no disputes had arisen out of the purchases thus made, therefore that system was good. He (Mr. Bell) was not an opponent of Direct Purchase, if it could be shown to work well—but he had not yet seen or heard any feasible scheme put forth in all the discussions that had taken place on the enfranchisement of Native title. That was saying a great deal, considering the great amount of talk there had been on that subject. There had been sales of land by Natives before the establishment of British Sovereignty in New Zealand, but these were chiefly at the Bay of Islands. There were some sales at Turanga which had ever since been in dispute. He did not know of any others in this part of the Northern Island—[*Mr. Forsaith*:—At Kawhia? The hon. member also named some other places.] It might be so, but the main purchases were north of Auckland. When Governor Fitzroy waived the right of pre-emption, where were the purchases made, and how many had not been disputed? These purchases were chiefly effected in the neighbourhood of Auckland, Onehunga, and the Whau, but everybody who had studied the question knew there was no difficulty in buying that land by the Government at that time,—or, at any rate, that the chief difficulty was want of funds. Would anybody, however, tell him the Governor could have purchased land in the Waikato, the Thames, and other important districts, we were desirous of obtaining (hear)? As to the existing system of land-purchase, he (Mr. Bell) had always contended that though Mr. Donald McLean, through his great knowledge of and influence with the Natives, had been able to effect large purchases, yet the system so completely vested in himself, that if anything happened to him, little or nothing could be done by the other officers of the department; therefore the system contained within itself the seeds of its own dissolution (hear). As to Mr. Daldy's proposed scheme, he (Mr. B.) would like to see the Regulations proposed for carrying it out—otherwise he must do as he had always done in the many discussions which had taken place on this subject—until such rules were laid down he must object to every scheme of direct purchase (hear, hear). If the hon. member meant that nothing should be done, except through the action of the Governor, so that we should not be drawn into quarrels as to title, &c., then he (Mr. Bell) could agree with the hon. member, but not otherwise, or without having distinct regulations first placed before the House (hear).

Mr. Daldy admitted that there were districts in which direct purchase could not be easily worked, such as the Waikato and other purely native districts; it was in the more settled districts in which Europeans were residing, that he was chiefly desirous of seeing this system introduced. Government should be purchasers only in cases where the private buyer could not purchase—they should only be a third party in the transaction, and they should never ask the natives to sell. The Press should be made much more use of in bringing the importance of European settlement under the notice of the Natives than was now done, and due notice should be given in the *Maori Messenger* of all intended purchases, so that all real claimants might have fair opportunity of preferring their claims. They had been told that the Natives always contrived to gain information as to what was going on with respect to the purchase of land: this might be so, but it would be far better for them to receive this information directly than indirectly. If some plan like this were not laid down for doing strict justice to the Native seller—who expected to receive every farthing of what his land realized—we should not succeed in getting land in any quantity, and we must cease colonizing this northern portion of the North Island.

Mr. Sewell.—The Committee appeared to be approaching towards some general conclusion of a practical kind. There were four different modes of obtaining land from the Natives for the purpose of colonization. First, the mode of dealing with that large extent of country held by the Natives in the centre of the island, which may be termed the *corpus* of the Native estate. As to these we may proceed upon a plan of systematic colonization, with the assent of the Natives themselves, securing their assent by benefits reserved to them. Secondly, in districts such as to the north of Auckland, where Natives and Europeans were already much intermixed, and land was held by the Natives in blocks of too large a size to be properly retained for Native use exclusively, but not large enough for systematic colonization, there to individualize the title of the Natives to the whole; but after reserving a sufficiency for the Natives themselves to be tied up for their benefit under special provisions, as to the residue, to leave it alienable to Europeans, subject to a fixed payment by the purchaser, applicable as a land fund. As regards this he had at first misunderstood the intentions of the Government resolutions, which he now acceded to. Then, thirdly, we may retain the present system to the extent of receiving voluntary offers of cession from the Natives to the Crown, of lands to be administered as at present. And, fourthly, there is that exceptional class of cases pointed at by Mr. Daldy's

resolutions, viz., the permissive dealings between Natives and individuals under proper restrictions, for specific parcels. There seemed to him nothing incompatible in these different modes of dealing with Native lands according to varying circumstances. With this understanding he should vote for the resolution, the Government being ready on their part to bring down a Bill to effectuate these objects.

The *Native Minister*.—The exceptional cases mentioned had been already provided for to some extent by the Auckland Land Regulations, under which the Government had intended to issue a proclamation bringing them into force, but they were stopped by Lord Carnarvon's despatch. It appeared to the Government that although the terms of that despatch did not actually prohibit such a proceeding, it would have been contrary to the spirit of it.

Mr. Sewell.—The Home Government would probably agree to such a plan if merely an exceptional one, properly guarded, though they might properly object to it as the ordinary rule.

Mr. Daldy said he would agree to put his amendments upon Resolution No. 11, for they could not properly be considered in connexion with No. 9, which referred to large blocks of country—as to which he did not wish to interfere with the plans of Government.

Some discussion occurred between Mr. J. C. Richmond, Mr. Daldy, and the Native Minister as to the mode of putting the amendments. The Native Minister agreed to adopt the first of Mr. Daldy's resolutions to stand before No. 9 of the series.

No. 9 was then put and agreed to with Mr. Sewell's amendments.

Resolution 10 was then moved as follows :—

"That as an essential preliminary to the individualization of Native titles, measures ought to be taken forthwith in concert with the Natives themselves for the ascertainment and regulation of the tribal titles."

Mr. Sewell proposed to add "And that an adequate sum be placed on the Estimates for defraying the expenses connected therewith."

The *Native Minister* objected that this would be properly considered in Committee of Supply. Mr. Sewell withdrew the suggested addition.

Resolution No. 11 was moved as follows :—

"That in districts where the Natives may be unable or unwilling to cede territory of sufficient extent for the purpose of systematic colonization,—more particularly in districts already partially settled by Europeans—provision ought to be made for the commutation of the Native right of occupancy into fee simple as speedily as may be,—due guarantees being taken.

"First, That the Native owners of each district shall have secured to them, subject to proper restrictions on alienation, a sufficient extent of land for the present and prospective wants of themselves and their posterity.

"Secondly, That as and when the residue of the district shall be alienated to Europeans, there shall be raised thereout by the way of land tax, either by a single payment by each purchaser, or by instalments, a sufficient fund for the execution of public works within the district."

Mr. Sewell withdrew his objection to this resolution, but said he should propose the addition of some words.

Mr. Daldy moved as an amendment clause No. 4 of his resolution, as follows :—

"That such land as is requisite for their own uses being secured inalienable, and the necessary reserves made for educational and other purposes, exclusively for the Native Race, in districts chiefly occupied by Europeans, well ascertained Native title to land, limited in extent by fixed rules, should be entitled to the waiver of the Queen's right of pre-emption in favour of individual holders or purchasers, and grants be issued when all Regulations have been complied with, and legal payments made, thereby enabling them to enjoy the full rights of property."

Mr. Graham declared himself in favour of Mr. Daldy's proposal for allowing the Queen's right of pre-emption to be waived in certain cases, though he was of opinion that it should be left to the Government to decide when and under what circumstances such waiver should be permitted. Nothing would tend more to show the Natives that we wished to benefit them than to let them sell their lands directly to European purchasers. He objected to clogging the grants to Natives with conditions against alienation. All lands granted to them should be alienable by them at pleasure. They might be assured that Natives required no protection on the part of the Government. They were well able to protect themselves.

Mr. Domett could not see why the right of pre-emption should be waived under any circumstances. The Government had proposed to give the Natives Crown Grants, and it was not intended that lands so granted should be in all cases inalienable. The restriction on alienation would be applied only under circumstances as the Government might think it necessary. That would be of more effect than a waiver of the right of pre-emption. He thought the House need not affirm that it was desirable to waive the Queen's right of pre-emption, because if they agreed to the resolution No. 11, that substantially effected the same object.

The *Native Minister* said there were technical difficulties in the way of such waiver. The Constitution Act expressly forbad it. The only and legitimate mode in which such transactions could be effectuated would be through a cession to the Crown, and thereupon the grant of the land might issue to the purchaser.

Mr. Forsaith said that Mr. Daldy's plan and that of the Native Minister led to the same end by different theories. He submitted to the Government whether the plan of issuing Crown Grants to Natives might not be open to objection. A Crown Grant clothes the land with all the incidents of British law. The social state of the Natives was at present so unsettled, that mischievous consequences might arise from bringing their lands under the operation of British law.

The *Native Minister* was prepared, as shown by the resolutions, to bring in a Bill for regulating the disposal of lands of Natives in cases of death. It would be very simple in principle. In fact, it would be impossible, at all events premature, to establish fixed rules or canons of descent amongst Natives. The object of the proposed Bill (which had been suggested by the member for Christchurch) would be to enable the Governor in cases of death to ascertain as well as he could the persons who would be properly entitled to succeed according to Native custom; thus to provide for the surrender of the old grant, and for regranting the land to the proper parties so ascertained.

Mr. Forsaith objected that such a measure only shifted the authority from the Supreme Court to the Governor in Council. It did not take away the danger of which he was apprehensive. He thought that no Crown grant should be issued till land is actually alienated to Europeans, and that some intermediate kind of title should be devised to indicate Native ownership, not dragging with it the incidents of British law.

Mr. Sewell thought there was great force in the remarks just suggested by the member for the City. The subject deserved great consideration. They might, however, reserve it till they had before them the Bills which the Government promised to introduce.

Mr. Daldy thought that both parties were drawing to the same end, though by different ways. His way, however, was most direct. But whatever plan was adopted let it be defined by law. He objected to its being grounded on a proclamation, such as that intended to have been issued by the Government, and of which a copy had been laid on the table. Rather than accept the terms of that proclamation, he would abide by the present system.

Mr. Forsaith desired to ascertain from the Native Minister whether provision would be made in the Bills about to be introduced for meeting the difficulty suggested by him, otherwise he would not vote for the resolution.

The *Native Minister* would not undertake at present to give a positive answer to the hon. member's question. It required consideration. It may be that any such an intermediate form of title may lead to greater embarrassment than a simple Crown grant, though he reserved his opinion on that point. The truth was, that giving the Natives a Crown title is something like bush clearing—we cut away the wood and the fern, and leave it for awhile; the clearing soon becomes overgrown again. So it will be with Native customs growing over any title we may confer by British law. Whatever form we may adopt, there must for some time to come be essential differences in the character of Maori and European holdings, and for this we must provide in the best way we can.

The first portions of Resolution 11 were read and agreed to. In the last clause, Mr. Sewell moved the addition of the following words, "and for the social "advancement of the Natives therein." He appealed to his hon. friend the Native Minister to admit the addition of these words, and to assimilate this resolution to the 9th, in which those words had been introduced. Agreeing as he did with the Native Minister, that the first object of a land fund was to provide means of systematic colonization, he (Mr. Sewell) regarded the social advancement of the Natives, in order to raise them to the condition of civilized settlers, as a legitimate part of such a system, besides the inducement which it furnished to the Natives to cede their lands.

The *Native Minister* agreed that the object proposed by the member for Christchurch was a legitimate one to be provided for in the disposal of a land fund to be raised out of native lands. It was indeed more important than immigration itself. It embraced the double object of adding useful members to the community, and at the same time raising the native to the position of a British citizen.

Mr. Dalby asked whether it were meant that the Natives were to pay a tax to be applied for their benefit.

Mr. Sewell pointed out that the proposal was to lay such tax not on the natives, but on the European population at the time of purchase.

Mr. Bell expressed his opinion that it would be hopeless to attempt to induce the Natives to cede their lands by the prospect of such remote advantages. He asked by whom the money so raised was to be spent—whether by the Provincial Government to whom it properly belonged, or by the general Government?

Mr. Forsaith preferred leaving the raising of a land fund to the ordinary operations of law. The Provincial Government could enforce taxation when and as required; and purchasers would take their land, knowing such liability, with their eyes open. He trusted that the hon. member (Mr. Daldy) would press his motion to a division.

Mr. Gillies had a serious objection to the plan indicated by the resolution of raising money by a tax to be paid by instalments. He considered that whatever sum was to be paid should be paid entire and at one time. He moved that the words "or by instalments "should be struck out.

Mr. Sewell agreed with the objection of the last speaker.

The *Native Minister* also concurred.

Mr. Daldy argued that the proposed land tax was only a repetition of the principle involved in the Territorial Rights Bill of last session. In his opinion the Natives would not consider the payment to the Government as the best form of payment for their land. They would rather receive it themselves.

Mr. Fitzherbert desired an explanation as to how the land fund proposed to be raised was to be administered. He protested against its being taken from the control of the Provincial Government in violation of the compact made by the financial scheme of 1856.

Mr. Sewell said the question by whose hands the land fund was to be administered was at present immaterial. It might be necessary to provide some separate mode of administration. That should be left open for discussion when the Bill came down. The land fund was essentially a local fund. It was (to use an illustration borrowed from the Native Minister) like manure; we take it from the land and are bound to return it there again in the shape of improvements. He dissented from the position of the last speaker that the compact of 1856 bound the Legislature to hand over funds of the kind inalienably to the Provincial Councils. As regards the observation that the natives would not understand the advantages of a tax such as that proposed to be raised, the sooner we opened their eyes to the blessings of taxation the better. They were quite sagacious enough to appreciate the benefits held out to them.

Mr. Fitzherbert thought it was too late now to say to the Provincial Councils that they could not give them their land fund immediately. That was now the very essence of the bargain of 1856. The Provinces had given up great advantages in order to secure the control of the land fund. If now that arrangement were departed from it would be a breach of the compact. The General Government had done nothing but squander money. All the improvements which had been effected had been through the Provincial Government. By the arrangement of 1856 the Provinces of the Northern Island had released to the Middle Island a very large land revenue. It would not be fair now to take the land fund of the Northern Provinces from their control, and transfer it to the General Government.

Mr. Domett said the question at present was not how or by whose hand the land fund is to be administered, but whether it shall be raised at all. For his own part, he thought the Natives would at first look at such a proposal with suspicion, but they might soon be made to understand some of its advantages. It was obvious that without some means of improvement the land itself would be valueless: for instance, all back country would be inaccessible without roads.

Mr. Fox protested against any tampering with the compact of 1856. That compact had already been shamefully broken through. The General Government had frittered away the English loan. Then they had taken from the land revenue of the Provinces one-sixth; now it was proposed to abstract the remainder. Unless the proposed land fund were placed at the disposal of the Provincial Government, he should oppose the resolution.

Mr. Sewell said the question was one which ought to be left open. It might perhaps be considered best to constitute some special body to administer such a land fund, though he reserved his opinion on that point. As regards the arguments of gentlemen who urged that the compact of 1856 was irrevocably binding on the Legislature, it was preposterous to contend that it referred to native lands not then acquired, or to set that up as an obstacle to a proposal which would facilitate the acquisition of native lands.

Mr. Fox did not like to leave anything open. He moved the addition of the words "to be administered "by the Provincial Governments."

Mr. Richmond thought it most probable that the funds to be so raised would be administered by the Provincial and not by the General Government. The General Government had aleady enough to do. But these special funds should not be poured into the Provincial Treasury to be dealt with for the ordinary purposes of the Provinces. They would be in the nature of trust funds.

Mr. Williamson thought the money would not be most profitably employed if allowed to get into the hands of any special body of commissioners. He was willing to let the resolution stand as it did, hoping

that in the preparation of the Bill care would be taken that the point should be provided for.

Mr. Gillies' amendment was put and agreed to.

Mr. Sewell's addition was also put and agreed to.

Mr. Fox's addition was put and carried on a division by the casting vote of the Chairman.

Ayes, 17.	Noes, 17.
Jollie.	Stafford.
Moorhouse.	Weld.
Gillies.	Brown.
Featherston.	Campbell.
Forsaith.	Sewell.
Williamson.	Heale.
Fitzherbert.	Bell.
Graham.	Monro.
Ward.	Curtis.
Fitzgerald.	Clark.
Renall.	King.
Brandon.	Kelling.
Daldy.	Farmer.
Sir C. Clifford.	Domett.
Henderson.	J. C. Richmond.
Rhodes.	Cookson.
Fox (teller).	C. W. Richmond (teller).

It was agreed that Mr. Heale's resolutions should be postponed.

Resolution No. 12 was read.

The *Native Minister* said that in consequence of Mr. Heale's proposed resolutions he should withdraw his.

Mr. J. C. Richmond could not agree with that proposal. He should regret if Mr. Heale's resolutions were carried. He did not think the House should continue to cry *peccavi* at every step.

Mr. Gillies urged the Government not to withdraw their resolution. Mr. Heale's were only a diluted form of the same proposition.

Mr. Sewell objected to the clause altogether. He was persuaded that we should not obtain our object or induce the Home Government to increase our military force. That being his conviction, he thought it not wise on the face of our proceedings to declare something to be necessary which he (Mr. Sewell) believed to be unattainable. The answer of the Home Government to any such appeal would be that they had provided us with as many soldiers as they could themselves spare, and a ship of war, and that with this aid we must be content, taking care on our part to keep the peace with the Natives. Great Britain might at this moment be in urgent need of every soldier for the protection of her own shores. Throughout Great Britain there was a movement of self defence. A large portion of the civil population were now engaged as volunteers and militia. She would call on us to do the like for ourselves. Besides, it would be useless to strengthen the physical arm of the Government to any practicable extent unless they at the same time secured the goodwill of the Natives. The Colony had subsisted up to this time by a temporizing policy, and we must for a time at least submit to a continuation of it. He preferred Mr. Heale's resolutions though they were vague and abstract to the present proposition to which he could not agree.

Dr. Monro said the object of the resolution was not a cry for help from the Colony. It simply said to the Imperial Government, If you wish to fulfil your duty to the Natives of civilizing them and maintaining peace, you cannot do it without placing at the disposal of the Government a sufficient military and naval force to preserve its authority. Whence arose the unfounded assumption of the hon. member for Christchurch that England would afford us no aid? He could point to no case in which England had refused the assistance necessary to protect her Colonies. The Natives would never respect us unless we were backed by a sufficient force to command obedience, and it was our duty to tell the Home Government so.

The debate was then adjourned till 7 o'clock p. m.

At 7 p. m. the Committee resumed.

Mr. Heale thought resolution 12 should not be omitted, otherwise the representation would be deprived of its urgency. It was a very suitable wind-up to the series. He intended his resolutions as a preamble to them. He saw no reason why we should not make the demand, however unlikely Mr. Sewell might think they were to be successful. If this were a settler's war to get land then we should certainly get no aid, but it was our duty to rebut that supposition. England had professed to take charge of the Natives herself on high and philanthropic principles, therefore she must send us the necessary aid or descend from her high pedestal of philanthropy. Some thought the meeting of Kohimarama unsafe. For his own part he thought that future meetings of that kind might be unsafe if we had not sufficient force to command respect for British authority. He moved that all the words after "naval force" be omitted from resolution 12.

The *Native Minister* thought that if those words were omitted the resolution would read rather curtly. He would prefer to amend Mr. Heale's resolutions, and expunge this altogether.

Question put, and clause expunged.

Mr. Heale moved the first of his resolutions.

Mr. Forsaith hoped the House would consent to the postponement of these resolutions, because some papers which he had moved for, which bore upon the 3rd resolution, had not yet been laid before them.

The *Colonial Secretary* did not see why all the resolutions should be postponed because of that one.

Mr. Forsaith thought it would not be fair to consider part without the whole.

The *Native Minister* had no objection to the postponement, but he did not see why they could not consider an abstract proposition without waiting for those despatches.

Mr. Heale said he might perhaps have modified them to meet the objections of the hon. member for the City, but he did not object to the postponement.

Mr. Sewell objected to the resolutions in that they laid the whole blame on the Imperial Government, who would answer them thus, "You talk of our neg- "lecting our engagements since 1856; you have had "your constitution at work; why did you not apply "a remedy to this state of affairs?" The resolution appeared to him both unnecessary and mischievous.

The *Native Minister* could not find words to express his surprise at the position taken by the hon. member for Christchurch: "That since 1856 they "had had the Native policy in their own hands, and "could do what they pleased!" He had heard many bold and unfounded observations this session, but nothing like that. If there was one thing more certain than another, it was that the Ministers had had nothing to do with the Native policy. Besides, this matter required something more than legislation—something much stronger than ordinances. He was surprised at the hon. member for Christchurch bringing up such charges, and he (Mr. R.) gave them his most decided denial.

Mr. Fox expressed his entire dissent from what had fallen from the Native Minister. How could they raise a clamour against the Imperial Government, as if the colonists had had no concern in Native policy in recent years. Since 1856 the Constitution Act had placed in their hands the power of legislation, and the Native Minister had made boast of his measures of 1858. How could he defend his inconsistency? Either his boast was an empty one, or the attempt to saddle the neglect on the Imperial Government was without justification.

Mr. Sewell said the question was not one of patriotism but of truth. He denied the position taken by the Native Minister. He pointed out that the Legislature had had full opportunity since 1856 of applying a remedy for the evils existing in Native affairs, and they had made the attempt. If they had failed it was idle to clamour against the Imperial Government as if the blame lay exclusively on its shoulders. He protested against their laying themselves open to such a retort.

Mr. Sewell moved the first of the additional resolutions standing in his name :—

"That without interrupting pending negotiations the Land Purchase Department ought forthwith to suspend all active operations towards obtaining from Natives the cession of land, and ought to confine its operations to receiving and negotiating upon offers of cession, voluntarily made by Natives."

—He desired that he might not be misunderstood. His object was to put an end to the system of soliciting natives to sell their land, but at the same time to leave it open to the Government to receive voluntary offers of cession. That system of solicitation and bargaining, tending as it did to irritate the minds of the Natives, was prevalent in some parts of the Colony, though it might not be so in others.—[The *Native Minister :* Name an instance.]—*Mr. Sewell* continued : He did not anticipate being driven to name particular instances in support of an assertion which he believed to be beyond dispute.—[*Mr. Fitzherbert :* Waitara (cheers, and oh, oh)]—He referred as one illustration, to the practice which it was impossible to deny the existence of, that of making partial purchases, and after negotiations had been carried on to a certain point for the cession of blocks of land by certain chiefs or tribes, then to hunt the country up for outstanding claims, and to endeavour to get them in by a system of solicitation and bargaining. His (Mr. Sewell's) desire was to put an end to this system and to leave it to the Natives themselves to settle their own claims, so that we should buy no land that was not free from these outstanding claims. The present system was mischievous in point of finance. In 1855 it appeared that £40,000 was outstanding upon unsettled accounts of incomplete transactions. What the present state of the public accounts was he could not say, but he would undertake to say that at the present moment they had 50 such transactions on hand. The system was every way mischievous. It frustrated its own object. The more anxious we appeared to obtain land from the Natives, the heavier the price and the greater the difficulty. When he was told that such was not the practice, he asked what was the business of those gentlemen employed in the Department throughout the Colony ? If it were not so, they were paid for doing nothing. In his (Mr. Sewell's) opinions, they should simply keep their doors open to receive offers freely made of land with complete and perfect titles. He should be told that they would get no land, and till they had assisted the Natives in disentangling their titles it might be so, and he would be content to go without it. But it would be better not to get land than to get it under present conditions. He did not blame the Department, which had done its work as effectually as circumstances permitted ; but he denounced the system which entangled the Government in little wretched transactions—3,000 acres at one time, 1,000 at another, down to, as in the instance at the Waitara, 600 acres. We urged the Natives to give us their land, and they offered us the scraps and fragments.

Mr. Daldy said it was a well-known fact that the Government did tout for land. He referred to a statement laid before the Provincial Council of Auckland, which showed that there were 124 cases in which part payments had been made for purchases of land, some of which had been outstanding and unsettled for upwards of 3 years, and some never likely to be completed. That of course was money thrown away. In some cases the land turned out to be one-fourth of what was represented.

The *Native Minister* denied that the practice of the Land Purchase Department was as stated by Mr. Sewell. They never solicited Natives to sell the lands. When Mr. Sewell had been challenged for instances, he had ridden off upon the question of making par purchases,—that was in fact laying a kind of ground bait.—However that practice might be objected to, the very sagacious head of the Native Department adhered to it and defended it as necessary. He well knew that the hon. members Mr. Daldy and Mr. Forsaith had old grudges against that department, which they took every opportunity of gratifying. He (the Native Minister) did not like the system of prepaying, but Mr. McLean assured him that but for this system we should get no land. If any hon. members would move an abstract Resolution against that system he would support it. But what the Committee had now to deal with was the assertion that the officers of the Land Purchase Department touted for land. He wanted instances of that. If any officer had done so, it was in direct defiance of instructions to the contrary. He could not approve of a resolution which conveyed an undeserved slur and implied what was not true against that department.

Mr. Sewell said he had been challenged to give instances of the system of which he had spoken. Fortunately they had a document before them which would throw light on this question,—the instructions from the Chief Commissioner, Mr. McLean, to Mr. District Commissioner Parris. It was in E. No. 3, p. 1, of the papers relative to the Native Insurrection. Mr. McLean addresses Mr. Parris as follows :—

"1. In order to facilitate your negotiations, it will be necessary for you to study with great care the history and genealogy of the Taranaki tribes, from their early location at Ngapuketurua, on the banks of the Waiongona River, up to the date of their dispersion and conquest by the Waikato ; also to make yourself acquainted with the subsequent migrations, intermarriages with foreign tribes, and other changes affecting title, that have occurred amongst the Ngatitama, Ngatimutunga, Ngatiawa, Ngamohi, Taranaki, Ngatiruanui, Ngaraura tribes, from that period up to the present date.

"2. Having well fortified yourself with this general knowledge, which will greatly facilitate your future operations, you should devote your attention to a careful and minute investigation of the rival claims of the several sub-divisions of those tribes in such localities as they are most anxious to cede to the Government, bearing in mind that the object of your investigations should not be confined to acquiring a knowledge only of the Natives actually residing on the land, but should be extended to those also who are intermarried among neighbouring tribes, as well as to those who are living in distant districts of the Colony.

"3. In pursuing your inquiries amongst the resident Natives, you should not appear to attach much weight to the claims of absentees, as it may be assumed that they have acquired a vested interest in lands elsewhere, and should not now be considered as having an equal claim with their relatives who remain in actual possession of the soil.

"4. At the same time I am desired to state that it is his Excellency's wish to have a separate investigation of the claims of absentees instituted at the places where they reside ; when they will be settled with, in proportion to the relative merits of their claims, on a basis which will fully preserve the distinction which should be made between resident and non-resident proprietors.

"5. To acquire a knowledge of the state of Native Title in your district is a preliminary of such urgent importance, that I cannot too earnestly request your attention to it ; and I believe you will generally find the Natives willing to communicate all that is requisite on this head, if you will only lead them to the subject, by referring to their past history—their feuds, wars, bravery, defeats, conquests—or any other subject of personal or tribal interest that may encourage them to converse freely and without reserve on the Land question.

"6. A record of all claims submitted by the Natives should be noted by you in a book kept expressly for that purpose, more especially in those cases where conflicting interests have to be dealt with ; and great care should be taken not to give too much prominence to that class of claimants who are frequently the first to offer their lands for sale, from the fact of their title being in many instances very defective. The actual

owner in contra-distinction to the class to which I have just referred, seldom makes a noisy or boasting demonstration of what his claims really are; it may therefore be inferred from his silent and uncompromising demeanour, that his rights are not to be trifled with, and that without his acquiescence, it will be impossible to make a valid purchase. This class of claimants it will be your duty to search out, as they will be the least likely, from feeling secure in the justice of their cases, to press themselves upon your notice."

—Observe it was to be his duty to search out this class of claimants. (Cries of oh, oh!) He did not understand what members meant by cries of dissent. To his (Mr. Sewell's) mind there could be but one meaning attached to these words. For what object was he to search them out, if not to bargain with them for their land? Then again the instructions proceeded—

"11. It is of importance that the Government should be kept constantly advised of the actual and probable liabilities that may be from time to time incurred for the acquisition of land in Taranaki, in order that provision may be made for any sudden demands under particular emergencies,—such as an unexpected and unanimous offer by the Natives to sell land, for which a large sum may be called for. You will therefore furnish monthly accounts of your disbursements, together with an approximate estimate of what may be needed for this service in each ensuing month.

"12. From the great difficulty of obtaining land at New Plymouth, and the numerous claimants that have to be satisfied before any valid purchase is concluded; it will, no doubt, be found necessary to pay a higher price for Waste Lands in your district than in any other part of New Zealand. The exact terms on which land can be acquired it is difficult to state. I need not, however, add that it is an object of great solicitude on the part of the General Government to have purchases made on terms the most advantageous for the public interests. You may consider yourself authorized to pay at rates varying from one shilling to three shillings per acre, according to quality and position, for land of fair average value; and even that limit may, in some special and extraordinary cases, be exceeded, if you give timely notice of the necessity for so doing."

It was impossible to mistake the general tenor of these instructions, as stimulating the District Commissioner into active negotiations for land.

The *Colonial Secretary* pointed out that the instructions only urged the Commissioner to take great care in distinguishing real from false claimants.

Mr. Forsaith insisted that the obvious sense of the instructions just read was; that the District Commissioner should, as far as possible, encourage the Natives in making offers of their land. He was surprised to hear the challenge which had been thrown out for evidence of the searching out of land sellers. If gentlemen on his (Mr. Forsaith's) side were in the same position as the Native Minister, if they could go to official pigeon-holes for information, he would undertake to give not one but many such instances. They had been taunted with having made bold assertions, but the Native Minister's assertion that the Land Purchase Department had not held out inducements of this character with Natives, to obtain offers of their land, was the boldest assertion he had heard in that House. It was opposed to the opinion of every Colonist. There were District Commissioners located in different parts of the country at fixed salaries. They must do something for their money. Not long since he had heard of a purchase made by a District Commissioner in the North. The first offer made by the Government was 250*l*. Subsequently, after a great deal of haggling, the Natives cut off the most valuable portion, leaving us land as to which we required an aerial machine to make it accessible. And we gave 1,000*l*. for it. Again, at Mercury Bay, there was some land, hardly level enough for the Surveyor to plant his theodolite upon, for which payment was agreed to be made, partly money and partly a horse, an old animal which, though charged to the Government at 80*l*., was not worth 10*l*. For his own part he did not entirely like the resolution proposed by the member for Christchurch, he would have preferred one in stronger terms, and that we should decline to buy land at all for the present.

Mr. Fitzherbert approved of the resolution proposed by Mr. Sewell, but did not go the length suggested by the hon. member Mr. Forsaith of wishing to put an entire stop to land purchasing. He objected to that teasing process of soliciting natives to sell. It induced many false claims. For his own part he disapproved of using what the Native Minister termed ground bait. He thought the proper and dignified position of the Government would be to wait for offers from Natives, and then, instead of dancing up and down the country to hunt out and settle with the various claimants, to call on two or three leading Chiefs or persons engaged in the sale, to become responsible for effecting a complete and proper settlement of all outstanding claims—so leaving the task of settling the claims with them, instead of attempting it ourselves.

The *Native Minister*, when he spoke of ground bait, did not do so as approving of the system. He had only yielded to the strong representations of the Chief Commissioner. But his meaning was very different from that which had been attributed to him. A leading Chief perhaps came in and offered land: the Chief Commissioner said, "It is not all yours." "Oh," he would reply, "I will make my people ready to "consent if you will but give me some money." This might be done, but this could not be called teasing.

Mr. D. Bell said: That some amusement might be derived from the remarks of the hon. members Mr. Sewell and Mr. Forsaith. He was much amused to hear the instructions from Mr. McLean to Mr. Parris read, in support of an argument against soliciting Natives to sell their land, for it was but the other day the member for the City of Wellington, Dr. Featherston, had quoted the same document as proof that proper diligence and zeal had not been used by the Commissioner in making his purchases (hear). As to the remarks of the member for the Hutt, Mr. Fitzherbert, when Ropoama offered his land for sale the very thing was done which the hon. member recommended. He had great respect for the general opinions of the hon. member Mr. Forsaith on Native matters, but it was evident that he knew nothing of the practice of the Native Land Purchase Department. He (Mr. Bell) knew of his own knowledge that the Natives were the real teasers, not the teased,—that the officers of that Department had great difficulty in resisting the entreaties of Natives to buy land: in every district they would find Natives importunate to sell—the difficulty was to resist when the title was not clear. It was often necessary to defer the completion of negotiations for months owing to this cause. One of the great complaints urged against the Land Purchase Department by those who were now assailing them, was that they did not get land fast enough. If they were to be thus urged on, means must be afforded them of effecting purchases. It was the duty of the Government to obtain native lands for the purpose of colonization. It was well known that pressure had been brought to bear on them in every part of the Northern Island.

Dr. Featherston must oppose Mr. Sewell's resolution, whether as regarded land at present under offer, or that might hereafter be offered. (Hear, hear, from Mr. Williamson.) If the resolution was agreed to, it would not only put a stop to all immediate purchases, but altogether to purchases for years to come. The Natives would regard it as an infringement of their right to sell their land, which they had always enjoyed to the present time. The danger of innovation in an existing system had already been proved in the Waitara case. He desired that no fresh changes should be introduced. If Natives offered their land

to the Government, Government was bound to buy. It was a common mistake to suppose that the Natives in the southern part of this Island were indisposed to sell their surplus land. They were so intelligent that they knew their waste lands were valueless, unless Europeans settled amongst them. What was wanted was a complete and better organization of the Land Purchase Department, and this would have been done long since, had not the present Ministry been actuated by a desire to thwart their political opponents. (No, no, from Ministers.) He (Dr. Featherston) advocated the system of purchasing large blocks of land, not small pieces like that at Waitara. He utterly deprecated the extension of the direct-purchase system to the south of this Island. (Hear, hear, from Mr. Williamson.) If the representatives of Auckland thought well to have the proposed alteration introduced into their Province, he should not oppose their wishes. The chief want in the Wellington Province at present was the removal of the District Land Purchase Commissioner. He was sure that the hon. member the Superintendent of Hawke's Bay would agree with him in that opinion.

Mr. Sewell could not see that his resolution was inconsistent with what had fallen from the last speaker. He did not wish to put a stop to the system of buying in large blocks, upon voluntary offers of cession, but only to the system of soliciting Natives to cede their claims.

Dr. Featherston.—Will the hon. member except the Province of Wellington ?

Mr. Sewell admitted that the principle of the resolution applied more particularly to the Provinces of Taranaki and Auckland, but it would be impossible to ask the Committee to affirm as a general principle of this nature what should only be of partial nature.

The *Colonial Secretary* said he had heard with great pleasure what had fallen from the hon. member for Wellington (Dr. Featherston) as regarded the Land Purchase System. As to what had fallen from him respecting the motives which had influenced the Government, he could assure him that Ministers were influenced by no such feeling as he supposed. So far from there having been any desire on the part of Ministers to thwart the wishes of the Provincial authorities of Wellington on the subject of the Land Purchase Department, on learning their wishes, the Government had requested Mr. Ligar (now Surveyor-General of Victoria) to proceed to Wellington. That gentleman, however, had availed himself of a three months' leave of absence to visit Melbourne, where he obtained a more lucrative appointment, and consequently did not return to New Zealand. The wishes of the Provincial authorities of Wellington had been acted upon as far as possible, and although there might be a difference of opinion as to which block should be first negotiated for, or by whom the negotiations should be commenced, it was a most erroneous opinion to suppose that there was any desire on the part of Ministers to throw any obstacles in the way of purchasing lands in the Province of Wellington. Such a course of policy would have been most suicidal on the part of the Government.

Dr. Featherstone was glad to hear the explanation of the Colonial Secretary, which he was bound to believe. What he most complained of was the incompetency of the District Commissioner, and the reckless manner in which he had squandered the funds entrusted to him.

Mr. Fox considered that the real foundation of the difficulties encountered in our attempts to purchase the waste lands were to be found in the character of the Waste Lands Purchase Department. That Department was a great mystery into whose sacred precincts none might penetrate. The Native Secretary sat enveloped in clouds of darkness—a "medicine man"—a Grand Llama—absolute in power and irresponsible to authority. The public were ignorant of the system on which his department was conducted—no one knew on what principles he acted—no one had any clue to the rules by which he proceeded in his transactions with the Natives. Sometimes his proceedings seemed to be guided by political motives, as when he repeatedly refused the offer of the Natives to sell Waikanae, lest they should be induced to go to Taranaki when it was sold ; thus depriving Wellington of a most valuable block of land, to favour another Province, and no doubt inducing the Natives to wonder at our proceedings. At one time we find him dealing with chiefs for tribal rights, at another he will only recognise individual claims and the title of single *hapus*. At one time we see incomplete purchases hastily hurried over, at another, Natives eager to sell are put off from time to time, till at last they retract their offers and decline to sell when he is ready to buy. [The hon. member here gave numerous illustrations, such as the Waitotara purchase, the Manawatu negotiation, Wainui, and others, all showing as he contended an entire want of system and principle.] Another great cause of the slow progress of purchases he found in Mr. McLean's systematic determination to hold on to the purse strings. He never allowed a subordinate Commissioner to conclude a transaction :—he, the great Mr. McLean, must keep up his prestige by holding the money bag, and the result was that in numerous instances, opportunities of buying were lost, and in numerous instances, the Colony had to pay far higher sums than necessary. He (Mr. F.) did not wish to involve any Sub-Commissioner in dispute with his jealous superior, but he was prepared, if necessary, to prove what he said. The hon. member then made some severe comments on the conduct of some Sub-Commissioners, and expressed his belief that there would be no difficulty in finding proper men, if they were treated by their chief with more consideration, and guided by proper instructions. If the present miserable system was persevered in, the sooner Mr. McLean was reduced from a political agent, for which office he was most unfit, to a mere land broker, for which he was very capable, if properly controlled as in Sir George Grey's time, when he had made his only effective purchases, the better. The attempt to combine the two offices to Land purchaser and political adviser of the Governor in his single person, had been a failure, and was the chief cause of the Governor being kept in those leading strings, which had lead to the present miserble crisis.

Mr. J. C. Richmond said, as a representative of Taranaki, he would express his belief that if the war could be brought to an end, large quantities of Native land could be obtained in that Province. He also emphatically denied that the war had been caused by the operations of the officers of the Land Purchase Department.

Mr. Fitzherbert animadverted on the undefined state of relations subsisting between the Government and the Native Department in connexion with the Land Purchase system. He repeated what he had said elsewhere, that had there been in office a Government actuated by a friendly feeling towards Wellington, nearly the whole of the surplus lands of that Province would have been obtained, especially that Pope's eye of the Province, the Manawatu.

The *Native Minister* defended the relations subsisting between Ministers and the Native Department in reference to the Land Purchase system, and repeated the Colonial Secretary's disavowal of any hostile feeling on the part of the Government towards the Province of Wellington.

Mr. Williamson said, if there was to be a limitation to the terms of the amendment, he would suggest that its operation should be confined to the district of the Waikato (hear, hear). So far it would have some useful purpose. He had heard the officers of the Land Purchase Department charged with teasing the Natives. So far as he knew from his own experience, the teasing was all on the other side (hear). It required the utmost vigilance on the part of the Native Department to ascertain whether the titles were good. He believed he might say that Mr. McLean's fixed opinion was, that it was injudicious in the extreme to press the purchase of

Native lands. When he (Mr. Williamson), in his official capacity as Superintendent of Auckland, and with an eye to provide for the tide of immigration, had urged Mr. McLean to endeavour to obtain more land in particular districts, his reply always was, That will be the very worst thing you can do, to press the Natives to sell (hear). Therefore when he heard the Chief Commissioner charged with urging and teasing the Natives to sell their lands, he (Mr. Williamson) felt bound to state what he knew of his personal knowledge, and it was for this reason that he (Mr. Williamson) had refrained from pressing on the General Government the acquisition of a large block of land in a most desirable territory offered by that truly loyal and influential Chief, Wiremu Nera —[*Mr. Richmond:* Hear, hear,]—Seeing that the general opinion seemed to be that the time had come for a change in the machinery of the Native Department, he thought it would be well for the House to refrain from going into the question until Ministers had completed their arrangements, and were ready to bring them down, and for these reasons he would suggest to the hon. member for Christchurch not to press his amendment—not to ask to exclude the Province of Wellington only from the direct purchase system, for it was equally inapplicable to the Province of Auckland (hear).

After some further discussion on details, in which Messrs. Daldy, Sewell, Fitzgerald [who protested against the application of the principle of direct purchase to Hawke's Bay, or the suspension of the present system, till some better plan was proposed, and who, speaking from his personal experience, said he himself had been one of the greatest "teasers" of the Chief Commissioner], Forsaith [who repeated his charges against the "little *namu*," Mr. Rogan, of having nearly "teased" the Kaipara Natives into hostilities]. —a division took place on Mr. Sewell's resolution, with the following result :—

Ayes.	Noes.
Sewell (teller).	Moorhouse.
Forsaith.	Monro.
Daldy.	Cookson.
Graham.	Weld.
Fitzherbert.	Brown.
	Campbell.
	King.
	Curtis.
	Domett.
	Renall.
	Carter
	Haultain.
	Fitzgerald.
	Rhodes.
	Williamson.
	J. C. Richmond.
	Bell.
	Richmond.
	Featherston.
	Stafford.
	Heale.
	Gillies.
	Kelling.
	Jollie.
	Henderson.
	Featherston.
	Brandon.
	Ward (teller).

Mr. Fox did not vote. Progress was reported, and leave asked to sit again to-morrow (Wednesday).

The House then adjourned.

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